

Exhibit 9

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Also Present:

Tania Grant - Videographer
Charles Wright - In-house counsel
at Amazon
Abdullah Haydar

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4 BY MR. NACHT 6

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9 EXHIBIT NO. DESCRIPTION PAGE NO.

10 Exhibit 1 Handwritten Chart 44

11 Exhibit 2 Investigative Interview with

12 Jim Joudrey dated 4/2/15,

13 Bates Nos. AMAZON_HAYDAR_00000411

14 through 414 108

15 Exhibit 3 e-mail string, Bates No.

16 AMAZON_HAYDAR_00002184 113

17 Exhibit 4 e-mail string, Bates Nos.

18 AMAZON_HAYDAR_00002200 through

19 2201 116

20 Exhibit 5 e-mail string, Bates Nos.

21 AMAZON_HAYDAR_00005668 through

22 5670 125

23 Exhibit 6 e-mail string, Bates Nos.

24 AMAZON_HAYDAR_00000640 through

25 642 129

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Exhibit 7	Marketplace Leadership OLR February 10, 2014 Roxanne Notes from Q1 2015 Marketplace OLR, Bates Nos. AMAZON_HAYDAR_00003649 through 3656	05.200 138
Exhibit 8	Anne DeCleene Investigative Interview with Peter Faricy dated 3/31/15, Bates Nos. AMAZON_HAYDAR_00000415 through 419	 165
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TESTIMONY ON PAGE 25 - BOUND SEPARATELY

1 BE IT REMEMBERED that on Friday, July 28, 2017,
2 at 600 University Street, Suite 3200, Seattle, Washington,
3 at 7:29 a.m. before Connie Recob, CCR, RMR, CRR, CLR,
4 appeared PETER FARICY, the witness herein;

5 WHEREUPON, the following proceedings were
6 had, to wit:

7
8 <<<<< >>>>>

9
10 THE VIDEOGRAPHER: Good morning. We're now
11 on the record. Today's date is July 28th, 2017. The
12 time is now 7:29 a.m. My name is Tania Grant your video
13 specialist here with Connie Recob your court reporter.
14 We represent Fortz Legal Support at 7125 Orchard Lake
15 Road, Suite 308, West Bloomfield, Missouri.

16 MR. NACHT: Michigan.

17 THE VIDEOGRAPHER: Michigan, sorry.

18 This is the video recorded deposition of Peter
19 Faricy in the matter of Abdullah Haydar v. Amazon
20 Corporate, et al. in the U.S. District Court Eastern
21 District of Michigan, Southern Division, Cause No.
22 2:16-cv-13662. Our location today is 600 University
23 Street, Suite 3200, Seattle, Washington.

24 Will counsel please identify yourselves and state
25 whom you represent.

1 MR. NACHT: David Nacht, counsel for
2 plaintiff, Abdullah Haydar.

3 MR. WOLFF: Robert Wolff, W-O-L-F-F, counsel
4 for defendants. The next person who will walk in the
5 room will be Charles Wright, W-R-I-G-H-T, who is an
6 attorney employed by Amazon.

7 MR. CHICHESTER: Michael Chichester for the
8 defendants.

9 THE VIDEOGRAPHER: The court reporter may now
10 swear in the witness.

11
12 PETER FARICY, having been first duly sworn,
13 deposed and testified as
14 follows:

15
16 EXAMINATION

17 BY MR. NACHT:

18 Q. Mr. Faricy, am I pronouncing your name
19 correctly, sir?

20 A. You are.

21 Q. I'm David Nacht and we shook hands or
22 nodded just a short time ago, and we were originally
23 going to have this deposition at 9:30, I think, but we
24 moved it to 7:30 to accommodate your schedule. I want
25 to make sure that just because we're meeting early in

1 the morning, you're alert enough that you can answer
2 the questions without any problem?

3 A. I'm alert.

4 Q. Great. And you're not under any medication
5 or have any other issues that would impair your
6 recollection today or your reasoning skills today?

7 A. No.

8 Q. Okay. It's your first deposition, sir?

9 A. Correct.

10 Q. Have you ever been a party to a lawsuit
11 before?

12 A. No.

13 Q. I'm sure your counsel has told you this,
14 but the court reporter is taking everything you say
15 down. And even though you're on video, lawyers will
16 use the transcript, and so in order to accurately
17 capture your intent, don't say "uh-huh" or shake your
18 head. Answer verbally with a "yes" or a "no" or a
19 "sure" or an "I think so" or an "I don't remember."

20 The effort here is not to trick you into saying
21 something you don't believe to be true. The effort
22 here is to accurately capture what you believe to be
23 true. To that end, our memories, even when working
24 well, are not equally perfect at all times for all
25 questions. So there will be questions I will ask you

1 and you'll just know the answer off the top of your
2 head and you'll answer it. There will be questions I
3 will ask you where you're pretty sure you know the
4 answer, you're pretty sure you've got it and you're
5 trying your best to answer honestly because you're
6 under oath and you're participating in this process,
7 and so you want to let me know that you're pretty sure
8 you know the answer because it wouldn't be accurate to
9 say "I don't know." So say, "I'm pretty sure the
10 answer is this." Just answer it like that.

11 (Mr. Wright enters.)

12 THE WITNESS: Got it.

13 BY MR. NACHT:

14 Q. In other words, actually capture the extent
15 of your memory in the answer if it's less than crystal
16 clear.

17 Also, I'm asking a mix of questions today, all
18 right? Some questions are designed to know what
19 you've -- you have a clear recollection of thinking
20 something, you have a clear recollection of seeing
21 something or hearing something or reading something,
22 participating in a conversation. Some questions are
23 more your opinion about things, and that's true in all
24 depositions I would say, but it's especially true in
25 depositions in employment law cases where we're looking

1 at issues of, you know, what were you thinking and how
2 do you think about these kinds of things and how do
3 other people think about these kinds of things and how
4 does the organization approach these kinds of things.
5 And so to the extent you need to provide context, I'm
6 going to let you provide context, okay?

7 A. Got it.

8 Q. If you need a break, ask for a break, I'll
9 give you a break not while a question is pending. It's
10 not like where in Godfather II and, you know, you're at
11 the senate table and I ask the question and you whisper
12 to your lawyer. Wait until the question is done and
13 then you can do that.

14 A. Got it.

15 Q. Okay.

16 A. Got it.

17 MR. WOLFF: You don't have his brother from
18 Sicily sitting in the back row.

19 MR. NACHT: All right.

20 BY MR. NACHT:

21 Q. So why do so many graduates of Brother Rice
22 end up running companies or in positions of great
23 leadership?

24 A. I don't know.

25 Q. What do you think?

1 A. I don't know.

2 Q. Well, what did you learn at Brother Rice --
3 that's the high school you attended, right?

4 A. It is, yeah.

5 Q. What did you learn at Brother Rice that you
6 carry with you today?

7 A. I don't know. I'd have to spend some time
8 thinking about it. Brother Rice was a -- was a
9 fantastic high school.

10 Q. Did you play a sport?

11 A. I did.

12 Q. What did you play?

13 A. I played a lot of different sports.

14 Q. Okay. What were you best at?

15 A. Lacrosse.

16 Q. And not good enough to play lacrosse at
17 Michigan State?

18 A. Correct.

19 Q. And --

20 A. Possibly not good enough to play lacrosse
21 at Brother Rice.

22 Q. I imagine it was a serious lacrosse team?

23 A. Yes.

24 Q. And you're a competitive guy, you have to
25 be in order to achieve what you've achieved; is that

1 fair?

2 A. I think it's accurate to say I'm
3 competitive, yes.

4 Q. And -- but you've publicly stated fairly
5 recently that one of the things that you really love
6 about working for Amazon is that the company is run by
7 leadership principles?

8 A. Correct.

9 Q. And you were talking in the speech I
10 listened to last night on YouTube about the leadership
11 principle of -- of customer satisfaction but I'm not
12 saying it right. What --

13 A. Customer obsession.

14 Q. Customer obsession?

15 A. Obsession, yeah.

16 Q. But I was wondering when I heard you say
17 that, I was listening to you say that and there was a
18 way in which you said it that I didn't think you were
19 just making a sales pitch for Amazon. I -- what I
20 thought I heard in your voice was that there was
21 something about principles that resonated with you and
22 was important to you.

23 Is that fair?

24 A. That's fair.

25 Q. And so I want to go back to my first

1 question about Brother Rice and I want to ask you,
2 what -- what principles did you take coming out of your
3 family and coming out of your high school education
4 that you carry with you today that -- for work?

5 A. It's -- I don't have an answer for you. I
6 don't know. I mean, I'd have to spend some time
7 thinking about it. My high school days would be a
8 long time ago, so I'd have to go back and think about
9 that.

10 Q. Do you -- I mean, integrity certainly
11 counts, right?

12 A. Integrity is very important.

13 Q. And integrity is not a leadership principle
14 at Amazon, right?

15 A. There's not a leadership principle named
16 integrity, but I think many of the leadership
17 principles imply integrity of the work we do.

18 Q. Okay. Why don't you elaborate?

19 A. I'm sorry. What's the question?

20 Q. Why don't you elaborate on your last
21 answer?

22 A. Could you give me a more specific question
23 for me to answer?

24 Q. Yeah. Which leadership principles do you
25 believe imply integrity?

1 A. Customer obsession.

2 Q. Okay. How?

3 A. We -- we have built a company that cares
4 about what customers need first over all other needs.
5 I view that as a very high integrity principle and I
6 view it as being a very different way to organize and
7 lead than other organizations I see around the world.

8 Q. Any other leadership principles imply
9 integrity?

10 A. I think there's probably some, yeah.

11 Q. Can you name any?

12 A. Insist on high standards.

13 Q. Okay. How is that linked to integrity?

14 A. It's linked to integrity in the sense of
15 we expect people at all times to hold themselves to
16 high standards, to hold their teams to high standards
17 and to hold their colleagues to high standards.

18 Q. Do you believe that the direct reports
19 you've had reporting to you have integrity?

20 A. Absolutely.

21 Q. And the -- so Mr. Joudrey, Joudrey?

22 A. Joudrey.

23 Q. Joudrey?

24 A. Jim Joudrey, yes.

25 Q. Jim Joudrey. He has integrity?

1 A. I believe Jim Joudrey has integrity.

2 Q. I want you to tell me about the Detroit
3 office. Was that your idea to have a Detroit office?

4 A. It was.

5 Q. You wanted to give back?

6 A. No. I believe the State of Michigan and
7 the City of Detroit have an enormous amount of talent,
8 and I think it's in the best interest of Amazon in
9 order to serve our customers better to build remote
10 dev centers where most of the talent is, and I believe
11 there's an enormous amount of talent in the State of
12 Michigan.

13 Q. And you're very involved in the State of
14 Michigan even as you live in the State of Washington?

15 A. Correct.

16 Q. You've given service to Michigan State
17 University as an alum doing fundraising, right?

18 A. That's correct.

19 Q. You currently give service to the Ross
20 School of Business at the University of Michigan?

21 A. That's correct.

22 Q. Does your mother reside in Michigan?

23 A. That's correct.

24 Q. Do you have siblings who reside in
25 Michigan?

1 A. I do.

2 Q. And you attended high school, college and
3 graduate school in Michigan?

4 A. Correct.

5 Q. You also worked for Ford, right?

6 A. Correct.

7 Q. When you worked for McKinsey, was that out
8 of the Detroit office or somewhere else?

9 A. I opened up the McKinsey Detroit office,
10 but when I worked for McKinsey, to answer your
11 question, it was in Cleveland, Stockholm, Sweden and
12 then I opened up the office in Detroit.

13 Q. And you worked for -- for Borders in Ann
14 Arbor?

15 A. Correct.

16 Q. When you left Borders, what year was that?

17 A. 2005 or '6. I don't remember the exact
18 year. Roughly around that time.

19 Q. Well, did you go directly to Amazon?

20 A. Yes.

21 Q. Did you have a noncompete agreement with
22 Borders?

23 MR. WOLFF: Objection. Relevance.

24 You can answer. You can answer.

25 BY MR. NACHT:

1 Q. We have a dynamic where it's his job to say
2 certain things for the record, but he'll expect you to
3 answer the question and to stay focused on remembering
4 what the question is. If he doesn't want you to
5 answer, he will -- he will instruct you not to answer.

6 A. Can you repeat the question?

7 Q. Sure. And I'm explaining that because he's
8 going to do that a fair amount and I want you to
9 remember the question. You don't need to worry about
10 his objection just whether he tells you not to answer.

11 The question is: Did you have a noncompete
12 agreement when you were at Borders?

13 A. I don't remember.

14 Q. Did you consult with counsel when you got
15 the offer from Amazon about your obligations to
16 Borders?

17 A. I don't remember.

18 Q. Take a minute or two. Try to remember.
19 You're under oath. Take a minute or two. You've got a
20 real good memory. You're a serious person.

21 Did you have a noncompete agreement when you
22 were at Borders?

23 A. I don't remember if I had a noncompete
24 agreement. I've answered that question already.

25 Q. What was your job at Borders?

1 A. Responsible for the music and movies
2 business.

3 Q. And when you went to Amazon, what was your
4 first job?

5 A. Responsible for the music business.

6 Q. You helped to put Borders out of business
7 with your work at Amazon, fair?

8 MR. WOLFF: Objection.

9 THE WITNESS: Incorrect.

10 BY MR. NACHT:

11 Q. I'm sorry?

12 A. That's incorrect.

13 Q. Why is that incorrect?

14 A. Because that's totally incorrect.

15 Q. How so?

16 A. I don't --

17 Q. The press --

18 A. I don't know how --

19 Q. The press has -- the press accounts of a
20 failure of Borders are all about Amazon beating
21 Borders. Is that not true?

22 A. That's not true. I've read a lot of
23 different articles, and I think your characterization
24 is incorrect.

25 Q. Okay. So Amazon was a minor factor in

1 Borders going out of business?

2 A. I don't know.

3 Q. You have an opinion?

4 A. I don't have an opinion here. I'm focused
5 on the customers that I serve and I'm focused on the
6 company that I'm with. I don't have an opinion on how
7 other competitors perform.

8 Q. You spend time doing things outside of work
9 right now and in the last, say, 2013, 2014, 2015, let's
10 focus on those three years, okay?

11 A. Yes.

12 Q. Thank you. You have a family?

13 A. Correct.

14 Q. You coach your kid's church basketball
15 team?

16 A. Correct.

17 Q. I want you to know I spent all of one hour
18 on the web last night and that's where I come up with
19 these questions. The web is an amazing thing.

20 You must travel a lot for work, don't you?

21 A. I do travel some.

22 Q. I mean, I know you're a former McKinsey
23 guy, so when I say "travel a lot," it's nothing
24 compared to working at a place like McKinsey, fair?

25 A. I think -- I think the McKinsey travel

1 was -- was more travel than the travel I've had at
2 Amazon, yes, that's fair.

3 Q. How many -- how many weeks a year in your
4 current job or the job you had in 2013 through 2015 are
5 you traveling?

6 MR. WOLFF: Which -- which time period do you
7 want him to answer?

8 MR. NACHT: 2013 to 2015.

9 THE WITNESS: How many weeks total over that
10 three-year period?

11 BY MR. NACHT:

12 Q. Right.

13 A. I don't know.

14 Q. Ballpark. Give us your best estimate.
15 You're the one doing it. We can subpoena your
16 calendars, but I mean, just -- I just want your best
17 estimate.

18 A. Nine weeks.

19 Q. Okay. And that's traveling for work?

20 A. Correct.

21 Q. You also travel to Michigan for your
22 obligations with the University of Michigan?

23 A. Can you be more specific?

24 Q. Sure. You visited Michigan -- let's just
25 say you visited Michigan for a variety of purposes

1 involving University of Michigan, Michigan State and
2 family obligations during that time period?

3 A. Correct.

4 Q. And how many additional weeks on top of the
5 nine weeks that you traveled would you say was Michigan
6 travel time for those three reasons during those years?

7 A. I was counting the Michigan travel for
8 business as part of that nine weeks.

9 Q. Okay.

10 A. So when I travel to Michigan, it's usually
11 for recruiting at University of Michigan and Michigan
12 State, and I usually tie in those events to any board
13 obligations or work I'm doing for either school.

14 Q. What about family obligations in Michigan
15 during 2014, 2015? Those are probably more extensive I
16 imagine.

17 A. We probably traveled to Michigan as a
18 family one week per year each of those years.

19 Q. On top of the nine weeks?

20 A. On top of the total nine weeks of travel,
21 yes. Total nine weeks is over three years, and the
22 one week is per year. So three weeks total over the
23 three years.

24 Q. Now, I didn't understand. I'm sorry. You
25 travel -- you only -- you're only away from Seattle

1 three weeks a year or three weeks a year in Michigan?

2 A. No. I said -- you asked me to estimate
3 the number of weeks I traveled for business over those
4 three years, and I gave you an estimate of nine weeks.

5 Q. So you meant only three weeks per year?

6 A. Correct.

7 Q. I see. And how many weeks vacation do you
8 take in that time period?

9 A. I don't know. A couple.

10 Q. Okay. So that's, like, five weeks, fair?

11 A. Roughly, yes.

12 Q. You run the Marketplace organization and
13 you did during 2013 through 2015?

14 A. Correct.

15 Q. You have some other obligations for Amazon
16 as well these days?

17 A. I'm sorry. Can you be more specific?

18 Q. I actually can't because I don't do your
19 job.

20 A. Okay.

21 Q. So I don't know what your job is.

22 A. No, I still lead the worldwide Marketplace
23 business for Amazon.

24 Q. Okay. And do you have other obligations
25 besides running that business as part of your job for

1 Amazon sitting on some sort of committees or having
2 other obligations? You wear other hats in the company?

3 A. You know, during that time I would have
4 been part of the consumer leadership group, but other
5 than that, I can't think of any other obligations.

6 Q. Okay. Did you have extra time for travel
7 with your wife or children for fun, for family fun
8 travel, European trips or whatever, Asian trips during
9 that three-year period?

10 A. You're asking did I travel with my family
11 during that three-year period, yes, I did travel with
12 my family during that three-year period.

13 Q. And do you take any one- or two-week trips
14 abroad?

15 A. We -- we probably did, yes.

16 Q. Okay. And maybe you were working on some
17 of those and maybe you weren't. Were you or were they
18 just pure family time?

19 A. I -- I am always auditing and monitoring
20 the health and well-being of our business even when
21 I'm on vacation with my family.

22 Q. Okay. And the business that you're in
23 charge of is quite large. Can you give us -- what's
24 the revenue of Marketplace?

25 A. We don't share any of the revenue data

1 externally. The best metric I could give you is that
2 we talk about the Marketplace business selling almost
3 50 percent of the units sold on Amazon.

4 Q. Without -- I don't need to know precise
5 numbers for my purposes of this lawsuit or anything
6 which would get in the way of Amazon's competitive
7 issues.

8 It is a publicly traded company, correct?

9 A. Correct.

10 Q. And you run a major unit of a publicly
11 traded company. Is it more than \$100 billion worth of
12 revenue?

13 MR. WOLFF: I'm -- I'm going to designate
14 this part of the --

15 MR. NACHT: Record as protective.

16 MR. WOLFF: As protected and confidential,
17 and I'm not sure a division's revenue is -- is public
18 record. I don't know if this is trade secret stuff or
19 not.

20 THE WITNESS: It is trade secret.

21 MR. NACHT: Let's agree to designate it as
22 protected, and I'm not looking for a precise number. I'm
23 just looking for -- for an order of magnitude, sir.

24 MR. WOLFF: Can we talk about this without
25 plaintiff in the room? Is that permissible, the revenue

1 information?

2 MR. NACHT: Yes.

3 (Mr. Haydar exits.)

4 (The following testimony on Page 25 is Confidential -
5 Attorneys' Eyes Only and bound under separate cover.)

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1 (Non-Confidential testimony resumes.)

2 BY MR. NACHT:

3 Q. And how many people do you supervise in
4 Marketplace? And when I say "supervise," I don't mean
5 directly. I mean the full kit, cat and caboodle?

6 MR. NACHT: Are we still protected?

7 MR. WOLFF: No, Abdullah can come back in.
8 And I guess we need time frame for number of employees.

9 MR. NACHT: Sure. Let's --

10 MR. WOLFF: I was assuming you were asking at
11 present.

12 MR. NACHT: All right. Let's keep him out
13 for a little bit.

14 THE WITNESS: Sorry. Number of employees on
15 my current team?

16 BY MR. NACHT:

17 Q. Right. How about today?

18 A. Approximately 18,000.

19 Q. And in 2013, how many, sir?

20 A. Gosh, I am not going to be able to give
21 you an accurate number there. Approximately 7,000.

22 Q. Okay. Plus or minus a thousand?

23 A. Yeah, those numbers, I don't feel
24 confident that those numbers are accurate, but those
25 are probably ballpark correct.

1 Q. And ballpark in the range that we're
2 discussing. I mean, it's one thing to have a ballpark
3 of 100 billion, right? If we're talking about a
4 ballpark of 13,000 or a ballpark of 7,000 --

5 A. Yeah.

6 Q. -- then I assume your estimate is we're
7 talking give or take a thousand or give or take 1,500?
8 Just an outer limit for a 95th percent two standard
9 deviations confidence level.

10 A. I think plus or minus a couple thousand
11 for both of those numbers would be -- would be fair.

12 Q. Okay. And in 2013 approximately how many
13 people were L7 or higher?

14 MR. WOLFF: In Marketplace?

15 BY MR. NACHT:

16 Q. Yeah, underneath you, sir.

17 A. Gosh, I have no idea.

18 Q. Well, you must have a better idea than I
19 would, so...

20 A. I don't actually have a very good idea on
21 that number. I mean...

22 Q. More than 100?

23 A. No.

24 Q. And in 2015 was it more than 100?

25 A. I don't know.

1 Q. Okay. Diversity is not a leadership
2 principle, right?

3 A. There is not a leadership principle that's
4 called diversity, that's correct.

5 Q. Well, are there any leadership principles
6 that incorporate the concept of diversity?

7 A. I believe so. I think the leadership
8 principles focus on the contribution that you make as
9 a person which is not about what school you went to.
10 It's really about the contribution that you make, and
11 I think those -- those leadership principles are
12 really strongly in line with creating a company and an
13 atmosphere that supports and values diversity.

14 Q. You don't post positions, job openings, for
15 L8, L10, correct?

16 A. Incorrect. We post job openings, my
17 understanding is unless the actual title of the job
18 opening would reveal a confidential new business that
19 we plan to launch. So we do post job openings for L7,
20 L8 and possibly for -- possibly for L10. I'm not sure
21 on L10.

22 Q. And that would certainly be true for
23 Detroit?

24 A. I don't -- we treat all -- we treat all of
25 our offices and whatever the policies are on job

1 postings, we would treat all the offices the same.

2 Q. You're not guessing about this, you know
3 this, right?

4 A. I don't -- I don't -- I could not repeat
5 what the policy is, but I see that we post these jobs
6 for jobs that are available regularly on the
7 Amazon.com job site.

8 Q. What is an OLR?

9 A. It's a twice a year process to re- --

10 Q. I'm sorry.

11 MR. NACHT: Are we off -- we've been out of
12 the protected, right?

13 MR. WOLFF: Yes.

14 BY MR. NACHT:

15 Q. Thank you.

16 A. It's a twice a year process to review the
17 talent across our teams.

18 Q. Organizational leadership review?

19 A. An organizational leadership review would
20 be an accurate description, yes.

21 Q. Is that what OLR stands for?

22 A. I don't remember.

23 Q. Okay.

24 MR. WOLFF: It sounds familiar.

25 BY MR. NACHT:

1 Q. And the OLRs provide an opportunity for
2 your direct reports to give you information about their
3 direct reports?

4 A. Correct.

5 Q. And you defer to your subordinates'
6 assessment of people for the most part, correct?

7 A. Can you repeat the question? I'm sorry.
8 To make sure I clarify.

9 MR. NACHT: Can you repeat the question to
10 the witness, please?

11 (Question on Page 29, Lines 5
12 through 6, read by the
13 reporter.)

14 THE WITNESS: Can you be more specific about
15 "for the most part"?

16 BY MR. NACHT:

17 Q. No. I'd like an answer to the question.

18 A. Yes.

19 Q. Occasionally you opine about someone who's
20 below your direct report?

21 A. That's incorrect. I participate in people
22 reviews for the people who I've had sufficient
23 experience with to assess their performance.

24 Q. Was Abdullah Haydar such a person?

25 A. I did not have sufficient experience to

1 judge Abdullah Haydar's performance.

2 Q. At any time in 2013, 2014 or 2015?

3 A. Correct.

4 Q. And by judging his performance that would
5 be an evaluation of his achievement of goals and his
6 performance on the leadership principles?

7 A. I would have relied upon his manager to
8 develop the rating that assessed his performance
9 against his goals, his performance against our
10 leadership principles, and identify his growth
11 potential within Amazon and then develop his overall
12 rating within Amazon.

13 Q. He was not someone you focused on?

14 A. Can you be more specific on that?

15 Q. Well, I mean, was there ever a time when
16 you focused on Abdullah Haydar?

17 A. Abdullah Haydar was never a person who I
18 evaluated. He never was a direct report. He was
19 always two to three layers down in the organization,
20 so those people who he worked for evaluated his
21 performance.

22 Q. Your human resources counterpart during
23 that time frame was that Madonna Cole, Michael Beary,
24 who was it?

25 A. We had a couple of HR partners and I

1 couldn't pinpoint which time period for which.

2 Q. So at some point was Madonna Cole your HR
3 counterpart or not?

4 A. Madonna Cole was involved with HR for my
5 team along with many other teams during that time
6 period, and I couldn't -- I couldn't give you the
7 exact years that she was doing that, but she was
8 involved, yes.

9 Q. And Shelly Cerio, is -- she was dealing
10 more with Mr. Gunningham, correct?

11 A. No, that's incorrect.

12 Q. Okay. Tell me about your relationship with
13 Ms. Cerio on a weekly or monthly basis.

14 MR. WOLFF: Same time frame?

15 MR. NACHT: Yes.

16 THE WITNESS: Shelly Cerio was Madonna Cole's
17 boss, so she had the same role but for a much larger
18 organization.

19 BY MR. NACHT:

20 Q. Shelly Cerio was the HR person for the
21 whole consumer group?

22 A. Correct.

23 Q. And Madonna Cole was underneath Shelly as
24 the HR counterpart for Marketplace and a few other
25 groups within consumers?

1 A. Correct.

2 Q. And she was your counterpart with regard to
3 Marketplace, correct?

4 A. Incorrect.

5 Q. Okay.

6 A. She had -- she would have had people who
7 worked for her whose responsibility was Marketplace.

8 Q. Was Simmi your counterpart?

9 A. For some period of time, yes.

10 Q. Okay. What is her last name? It's
11 hyphenated.

12 A. I don't know. I'm going to have to look
13 it up.

14 Q. Okay. And how often would you meet with
15 Simmi when she was your HR counterpart in person?

16 A. Every two to three weeks.

17 Q. And how often would you have e-mail
18 interaction with her?

19 A. If I were to guess, weekly.

20 Q. I don't want to guess. Would you say
21 that's a fair estimate?

22 A. I would say that's a fair estimate.

23 Q. Okay. I really don't want you to guess?

24 A. Yeah.

25 Q. But I do want your fair estimates and I

1 want you to -- as I said at the beginning of the
2 deposition --

3 A. Got it.

4 Q. -- I'm not trying to trick you into saying
5 you're absolutely sure about something if it's just a
6 best estimate.

7 Who else besides Simmi played the role of HR
8 counterpart to you in 2013, 2014 and 2015?

9 A. Mike Beary.

10 Q. Is there anyone else or just those two?

11 A. I believe just those two.

12 Q. During the OLR, would the HR person be in
13 the room?

14 A. Yes.

15 Q. So who's in the room?

16 A. For -- there's multiple OLRs across my
17 team. From my OLR, it would have been myself, my
18 direct reports and two or three or four
19 representatives from the HR team.

20 Q. Is OLR an Amazon invention or is that
21 something that you've seen in other organizations?

22 A. Having a people review process is very
23 common.

24 Q. Tell me about the advantages of the OLR
25 process? Let me put it this way: I'm going to ask you

1 a series of questions. Amazon is an incredibly
2 successful, rapidly growing company; fair statement?

3 A. I believe that others view us as a
4 successful and rapidly growing company, yes.

5 Q. Well, don't you view it that way? I mean,
6 I realize that you don't want to brag, but I mean, it
7 seems every week there's news about Amazon's
8 achievements in the capitalist Marketplace.

9 A. I'm grateful to be part of Amazon. I love
10 Amazon.

11 Q. Okay. Is it fair to say that part of what
12 makes Amazon successful is big thoughts, big ideas?

13 A. Yes.

14 Q. Is it fair to say that part of what makes
15 Amazon successful is a particular kind of corporate
16 culture that involves certain processes? I'm going to
17 be very vague like that because we're going to get into
18 them.

19 MR. WOLFF: Objection.

20 If -- if you can answer that question, go ahead.

21 THE WITNESS: It seems -- it does seem rather
22 broad, I agree with you. Is there a way to make it more
23 specific so I can give you an answer?

24 BY MR. NACHT:

25 Q. Well, we're going to get into it. But I

1 mean, do you feel like the corporate culture of Amazon
2 contributes to its success?

3 A. I do -- I do believe our leadership
4 principles which have formed our corporate culture
5 absolutely have had an impact on our success, yes.

6 Q. And do you believe that your processes of
7 how you manage people including processes such as OLRs
8 and other processes contribute to that culture?

9 MR. WOLFF: Objection to "other processes."

10 But you can answer whether the OLR process
11 contributes.

12 THE WITNESS: I believe the OLR process does
13 contribute to helping us develop a strong team.

14 BY MR. NACHT:

15 Q. Okay. Let's talk about the OLR process and
16 how it -- what advantages it has. I mean, you have a
17 pretty wide breadth of business experience. You
18 haven't worked for that many companies, but you've
19 worked for real leader companies and you have a
20 position where you get a lot of exposure through to
21 companies in your job at Amazon and in your work for
22 the University of Michigan. You have a sense of the
23 pulse of a lot of what's going on out there in the
24 marketplace. And you don't need to comment. That's a
25 very broad statement, but I believe it to be true that

1 you're a very knowledgeable guy. I want your
2 perspective on advantages that the OLR process brings.

3 A. Leading people requires that you care
4 about those people and their careers and their
5 well-being, and a process like OLR allows leaders to
6 focus on how are the people on our team performing and
7 what is it that we can do to help them be successful
8 at Amazon, and I think that's an important process.

9 It's important from the leadership point of
10 view and I think it's very important for the people on
11 our teams to know that we spend dedicated time
12 thinking about their health, well-being and their
13 career.

14 Q. Does the OLR process provide a feedback
15 mechanism for participants?

16 A. I'm sorry. Could you clarify that?

17 Q. Well, there are people in the room and then
18 there are people who are not in the room, right?

19 A. There are people in the room for the OLR,
20 correct.

21 Q. Okay.

22 A. And there's lots of people not in the room
23 in the OLR, that is correct.

24 Q. Right. And several billion of them in
25 fact?

1 A. Yeah.

2 MR. WOLFF: They're everywhere.

3 MR. NACHT: They're everywhere.

4 (Laughter.)

5 BY MR. NACHT:

6 Q. The people who are in the room are getting
7 direct feedback from each other or from you. Is it an
8 interactive process or is it a top-down process?

9 A. It's an interactive process.

10 Q. Part of the whole leadership principle of
11 being vocally self-critical is to encourage people to
12 share their misses as well as their hits in order for
13 the group collectively to learn and for them
14 individually to learn so that continuous improvement
15 can occur, fair?

16 A. Fair.

17 Q. And so the OLR is a process by which people
18 are in the room and knowledge is being created in order
19 to improve the organization going forward, right?

20 A. When you say "knowledge is being created
21 to improve the organization," I think we are
22 identifying actions that we believe will be helpful to
23 improve our performance and improve our team, yes.

24 Q. And you're not just identifying actions,
25 you're making assessments about people and are you also

1 making assessments about projects in the OLR or not?

2 A. No, we don't -- we don't assess projects
3 and programs in the OLR, and the assessment of people
4 is done prior to the OLR. The OLR is a discussion of
5 the output of the performance evaluations that come
6 into that day.

7 Q. So we have performance evaluations that are
8 drafted prior to the OLR?

9 A. Correct.

10 Q. The OLR is a conversation in which that
11 data is analyzed?

12 A. Correct.

13 Q. And --

14 A. But maybe more accurately, we focus on the
15 people who are top performers to make sure we
16 understand how we can be helpful to them and give them
17 challenging work. We focus on people who are
18 struggling and we focus on what is it that we can do
19 to help them become successful, and then we focus on
20 promotions. Those are the three primary areas.

21 Q. Now, there is a formal annual performance
22 evaluation that occurs in the spring, early spring,
23 late winter of the preceding calendar year; is that
24 fair?

25 A. No. The formal evaluation -- that's

1 incorrect. The formal evaluation process begins late
2 fourth quarter and continues into the beginning of the
3 first quarter and the perform -- the performance
4 reviews would be drafted and brought in with complete
5 ratings and reviews during the OLRs during February.

6 Q. There are charts that are posted, at least
7 in the time frame of 2013 to 2015, which link ratings
8 on achieving goals and satisfying leadership principles
9 resulting in a cumulative evaluation of a person into a
10 category, correct?

11 A. That is correct, and the only thing that's
12 missing is that the manager also assesses the
13 employee's growth potential as well. So it's actually
14 three metrics during that time period that we would
15 have taken a look at.

16 Q. Could you give me a rough drawing of that
17 chart that was routinely posted during that time
18 period?

19 A. Can you be a little bit more specific
20 about the chart?

21 Q. Sure, just that lists level of goal with
22 the outcome for the person.

23 A. That's not enough information for me to
24 draw the chart you may have in mind.

25 Q. Okay.

1 MR. WOLFF: And it's not -- I'm not sure he's
2 acknowledged that there was a chart that was routinely
3 posted. Maybe there was.

4 THE WITNESS: No, I don't -- I don't know
5 what you're referring to.

6 BY MR. NACHT:

7 Q. Okay. Is there a chart -- forget about the
8 chart for a second. Just is there a rubric, a metric?
9 I mean, clearly you were just talking about something.

10 A. Yes. So there was --

11 Q. So what were you talking about?

12 A. There was a performance rating for each
13 employee that was brought into that meeting.

14 Q. Okay. And --

15 A. The performance rating includes the
16 performance against their goals.

17 Q. Yes, could you please just -- just write
18 out the different levels for performance against goals?

19 A. What the titles of the levels were?

20 Q. Yeah. There aren't that many, right?

21 A. (Witness complies.)

22 Q. And on the same page on the right side,
23 could you put the very big categories that are
24 cumulative reviews for people, right? What is it, top
25 tier and then...?

1 A. Well, that's -- you're -- you're -- that's
2 an incomplete characterization --

3 Q. Okay.

4 A. -- of the process.

5 Q. Okay. So I don't -- but you've got those
6 categories in your head, right? You can put those. I
7 didn't know if you had the other stuff that you were
8 able to put down.

9 A. The leadership writings?

10 Q. Yeah.

11 A. Yes.

12 Q. You can?

13 A. I can.

14 Q. Oh, great. Thanks.

15 A. (Witness complies.)

16 Q. And at the -- what is the word you used?
17 Did you say "metric"? I don't want to put words in
18 your mouth. What is -- I said chart, you said no, not
19 a chart. What are you thinking? What's the word?

20 A. You have to be more specific.

21 MR. WOLFF: You're asking him what you would
22 call the information that he's documenting on --

23 MR. NACHT: Right.

24 MR. WOLFF: -- on the sheet?

25 BY MR. NACHT:

1 Q. There -- people come in and there's a
2 rubric, an algorithm seems too strong?

3 A. Algorithm is incorrect. I don't know what
4 rubric means.

5 People come in with leadership, with
6 performance ratings, leadership ratings, an overall
7 rating and a growth potential rating for each of the
8 people on their team.

9 Q. Okay. And what are the over -- can you put
10 the overall ratings on the piece of paper, please?

11 A. (Witness complies.) I may have the words
12 wrong, but the -- this is my best recollection of the
13 words tied to these buckets.

14 Q. Okay. And you have the concepts right,
15 correct?

16 A. Correct.

17 Q. And so on the upper left-hand corner from
18 your perspective, those are goals?

19 A. This is your performance against your --
20 your goals, correct.

21 Q. Okay. Could you just write "performance
22 against goals" above that?

23 A. (Witness complies.)

24 Q. And in the upper right-hand corner, what's
25 that?

1 A. This is your performance against our
2 leadership principles.

3 Q. Okay. Did you write "leadership
4 principles" there?

5 A. I wrote "leadership ratings."

6 Q. Okay. And in the bottom left-hand corner
7 or sort of the middle left-hand corner, what's that?

8 A. I wrote down "overall ratings."

9 Q. Okay. And the other thing is growth
10 potential?

11 A. Correct.

12 Q. Okay. And are those different categories?

13 A. They are.

14 Q. Do you remember those?

15 A. I do.

16 Q. Oh, could you add those, please.

17 A. (Witness complies.)

18 Q. When the OLR is going on, is there a
19 document which contains this information, words or
20 similar words about each person being discussed?

21 A. Yes.

22 Q. Okay. Are there --

23 MR. WOLFF: Can I point out for the record
24 that the written documents are probably the best evidence
25 of this, but with that said, go ahead.

1 BY MR. NACHT:

2 Q. And are there additional concepts captured
3 besides those?

4 A. Can you be more specific?

5 Q. Well, is there anything else on the piece
6 of paper besides giving a number or a comment about
7 each of those criteria with a particular person?

8 A. No.

9 Q. Okay. Let's make this Exhibit 1.

10 (Exhibit No. 1 marked
11 for identification.)

12 BY MR. NACHT:

13 Q. Now, under performance ratings you wrote
14 outstanding, exceeds, achieves and does not meet,
15 correct?

16 A. Correct.

17 MR. WOLFF: Can we take a quick break and
18 make a copy of that if you're going to be discussing it?

19 THE VIDEOGRAPHER: We're now going off
20 record. The time is 8:23 a.m.

21 (Recess 8:23-8:32.)

22 THE VIDEOGRAPHER: We're now back on the
23 record. The time is 8:32 a.m.

24 /////

25 /////

1 EXAMINATION (Continuing)

2 BY MR. NACHT:

3 Q. Going back to integrity not being an
4 explicit leadership principle, is integrity
5 sufficiently important that a lack of integrity would
6 mean that someone is not outstanding?

7 MR. WOLFF: Objection. Calls for
8 speculation.

9 THE WITNESS: Can you make your question more
10 specific?

11 BY MR. NACHT:

12 Q. Yes. If you thought that a manager who was
13 an L7 or an L8 showed a lack of integrity, would that
14 prevent them from being rated as outstanding?

15 A. I would need more information.

16 Q. What kind of information would you need?

17 A. I would need information about the facts
18 of the question about integrity.

19 Q. So does it matter how important the issue
20 is that they're showing a lack of integrity?

21 A. I don't know. I would need more
22 specifics.

23 Q. Well, you're running an organization.
24 Leadership principles govern the organization?

25 A. Leadership principles govern how we run

1 Amazon, correct.

2 Q. Integrity is not listed, but you've said
3 you think it's important anyway, right?

4 A. I said I do believe integrity is important
5 and I do believe integrity is woven throughout the
6 leadership principles.

7 Q. And I'm trying to connect a lack of
8 integrity with evaluation. So would -- would the
9 performance ratings -- are performance ratings
10 irrelevant to integrity unless the integrity has to do
11 with lying about whether you've achieved your goals?
12 In other words, would we look at it rather under the
13 leadership ratings rather than the performance ratings,
14 the integrity issue?

15 A. I don't think your question is specific
16 enough that it could be answered. I think we would --
17 we would not tolerate people lying about their
18 performance if that was your specific question.

19 Q. Okay. What about lying about things that
20 they're doing that are in response to common
21 understandings or directives?

22 A. It's too ambiguous. You need to give me a
23 more specific question.

24 Q. Okay. So as you sit here, can you think of
25 anyone who achieved an achieve on performance ratings

1 or higher?

2 MR. WOLFF: Can he think of any Amazon
3 employee who ever?

4 BY MR. NACHT:

5 Q. Of L7 or higher who hit at least an
6 achieves on performance ratings --

7 A. Is that your question? Sorry. You're
8 building.

9 Q. I'm continuing.

10 A. Okay.

11 Q. -- and resulted in -- what did you write
12 here?

13 A. Needs improvement, but I may have the name
14 wrong but it's the bucket of --

15 Q. Is that least effective?

16 A. Least effective, sorry. I believe it's
17 called least effective, yeah.

18 Q. Okay. So where you wrote needs improvement
19 under overall ratings it's -- in the official parlance,
20 it's least effective?

21 A. I believe that's correct.

22 Q. Excuse me.

23 THE WITNESS: Can I borrow your pen for a
24 second?

25 MR. WOLFF: Yeah, absolutely.

1 BY MR. NACHT:

2 Q. So you are now crossing out on Exhibit 1
3 "needs improvement" and writing in "least effective"?

4 A. Correct.

5 Q. So my question is: Can you think of anyone
6 who's an L7 or higher ever who's hit achieves in
7 performance ratings but been given a review of least
8 effective?

9 A. You're asking just about their performance
10 rating not about their leadership rating not about
11 their growth potential and then you're asking if they
12 had achieves or higher and also had a least effective
13 overall rating?

14 Q. Yes.

15 A. Yes.

16 Q. Okay. And who?

17 A. Abdullah.

18 Q. Anyone else?

19 A. Yes.

20 Q. Who?

21 A. There's other people on our team. There's
22 other people on our team who've had those same
23 ratings.

24 Q. As you sit here today, can you think of
25 them?

1 A. I can think of someone, yes.

2 Q. Who?

3 A. Nick Tawar.

4 Q. Spell his last name.

5 A. T-A-W-A-R.

6 Q. Where is he?

7 A. He's no longer with Amazon. I don't know
8 where he's at.

9 Q. Quit or fired?

10 A. I don't remember the circumstances of his
11 departure.

12 Q. What year?

13 A. 2014 to '16 is what I remember, but I may
14 be off a year in either direction.

15 Q. Was he in Seattle?

16 A. Yes.

17 Q. Who was his manager?

18 A. Peeyush Nahar.

19 Q. What was the concern with Tawar, if you
20 remember?

21 A. Poor listening, disrespectful, inability
22 to work with others, unproductive is what I recall
23 from memory, but I...

24 Q. And Mr. Tawar was at what level?

25 A. Level 8.

1 Q. Is there anyone else that you can identify
2 who had an achieves or higher on performance ratings
3 but was given a least effective overall rating?

4 A. Not that I remember off the top of my
5 head.

6 Q. It's relatively unusual, right?

7 A. Can you be more specific on "relatively
8 unusual"?

9 Q. Sure. Most people who do not meet their
10 performance ratings presumably are least effective,
11 right?

12 A. I'm sorry. Can you restate that again?
13 Most people who do not meet their performance ratings
14 are least effective?

15 Q. I would presume, right?

16 A. I don't know the facts on it, but yes, I
17 would say if you don't meet your performance ratings
18 it seems likely you would be least effective, but you
19 could also achieve your performance ratings and be
20 least effective.

21 Q. Right.

22 A. Both will possible. Because it depends on
23 the leadership rating and the growth potential as we
24 talked about.

25 Q. Sure. Now, there are a whole bunch of

1 different leadership ratings, right?

2 A. I'm not sure what you mean by a "whole
3 bunch of different."

4 MR. WOLFF: You mean principles?

5 BY MR. NACHT:

6 Q. Principles, the principles. Leadership
7 principles, how many of them are there?

8 A. I don't remember offhand.

9 Q. There is customer obsession?

10 A. Correct.

11 Q. Ownership?

12 A. Correct.

13 Q. Invent and simplify?

14 A. Correct.

15 Q. Are right a lot?

16 A. Correct.

17 Q. Hire and develop the best?

18 A. Correct.

19 Q. Insist on the highest standards?

20 A. Correct.

21 Q. Think big?

22 A. Correct.

23 Q. Bias for action?

24 A. Correct.

25 Q. Frugality?

1 A. Correct.

2 Q. Vocally self-critical?

3 A. Correct.

4 Q. Earn trust of others?

5 A. Correct.

6 Q. Dive deep?

7 A. Correct.

8 Q. Have backbone; disagree and commit?

9 A. I don't -- yes, I believe that is a
10 leadership principle as well.

11 Q. This is November 2013?

12 A. Got it. Yes.

13 Q. Deliver results?

14 A. Yes.

15 Q. And they were the same in 2014, right?

16 A. I don't know.

17 Q. But in 2015 there was a change or 2016?

18 A. I'm not certain on the timing. There has
19 been changes over the last four or five years, yes.

20 Q. What are the changes?

21 MR. WOLFF: Objection for the record.

22 You can answer. You can tell him.

23 THE WITNESS: I don't recall.

24 BY MR. NACHT:

25 Q. Do you have any idea what the changes are?

1 A. Well, I remember some of the changes, yes.

2 Q. What -- what -- what do you remember?

3 A. We added a leadership principle for
4 curiosity.

5 Q. Okay. Anything else?

6 A. We made some other changes to the
7 leadership principles. I'd have to take a look at
8 them to compare the two side by side.

9 Q. You don't remember at this point?

10 A. I don't.

11 Q. Were any deleted?

12 A. I don't recall.

13 Q. Were any altered?

14 A. I don't recall the specifics around it.

15 Q. So there's no leadership principle about
16 diversity and there's no leadership principle about
17 integrity. Is there a leadership principle about
18 treating people with respect?

19 A. Treating people with respect is also
20 embedded in the leadership principles.

21 Q. Please explain why you think that to be so.

22 A. Earning trust of others means treating
23 them with respect, listening to others, having a bias
24 for action, having ownership, those are all ways that
25 you can build a trustful and respective relationship

1 with people.

2 Q. Some organizations are more hierarchical
3 and some are more collaborative. Is that a fair
4 statement?

5 A. Broadly across organizations, yes.

6 Q. So the United States military might be an
7 example of a very hierarchical organizations?

8 A. I don't know. It might be. I don't know
9 the military well enough to -- to be able to comment
10 on that.

11 Q. Okay. Even from just common understanding
12 as an American, you don't have an opinion?

13 A. I don't have an opinion, no.

14 Q. Ford Motor Company, is Ford more or less
15 hierarchical than Amazon, in your experience?

16 A. I think it would depend on the specific
17 situation. Can you give me some specifics?

18 Q. Manager has concerns about the direction
19 projects are going?

20 A. It's too broad and ambiguous. I wouldn't
21 be able to evaluate hierarchal or not.

22 Q. Okay. Doesn't follow chain of command?

23 A. I can't -- I can't give you -- I can't
24 give you an answer. We would need to have a specific
25 example.

1 Q. There's no rule against not following chain
2 of command at Amazon, correct?

3 A. There is no rule.

4 Q. You have stated that you believe that the
5 most important determinant in determining the success
6 of whether people will stay with an organization is the
7 on-board process, correct?

8 A. I don't recall. I do believe the on-board
9 process is very important.

10 Q. Is it something you believe whether you've
11 said it or not?

12 A. I do believe the on-boarding process is
13 important.

14 Q. And what does "on-boarding process" mean to
15 you?

16 A. I believe it means the orientation and the
17 integration of new people into Amazon.

18 Q. Is there anything in the on-boarding
19 process that informs people that they have to follow
20 chain of command?

21 A. I don't know.

22 Q. In the on-boarding process, the leadership
23 principles which I you just articulated are taught,
24 correct?

25 A. I believe they're reviewed, yes.

1 Q. So they're not taught but they're reviewed?

2 A. I don't know.

3 Q. Okay. The leadership principle of have
4 backbone; disagree and commit, inherent in that one
5 leadership principle is contrary directions implying
6 that you engage in the contrary directions at different
7 times, fair?

8 A. Can you be more specific about "contrary
9 directions"?

10 Q. Why don't you explain the leadership
11 principle of show backbone; disagree and commit in your
12 own words instead of me just asking specific questions
13 that you're not sure what I mean?

14 A. Disagree and commit is focused on we
15 want -- during the time that direction for a program
16 to serve customers is being discussed and debated, we
17 want participation from all people who would be close
18 to the customer and expert in that area to
19 participate, and then at some point a direction is
20 determined and we would like everybody who's part of
21 that program and team to align together to serve
22 customers great.

23 Q. Have you spoken to Garret Gaw since his
24 deposition?

25 A. Not -- not one on one, no. He was on a

1 video conference for a meeting that I had either this
2 week or last week as part of a larger group.

3 Q. Broadly, what was the subject?

4 A. We're doing a innovation program this
5 coming fall that's like a technology hack-a-thon so we
6 were having a meeting about our plans for that.

7 Q. Okay. Have you spoken to Derek Oehler
8 since his deposition?

9 A. No.

10 Q. Have you spoken to Joel Mosby since his
11 deposition?

12 A. No.

13 Q. When is the last time you had some sort of
14 social interaction, and that includes formal work
15 social interactions, with Stefan Haney?

16 A. I've never had outside-of-work social
17 interactions and the last work social interaction
18 would have been a -- let's see, happy hour to
19 celebrate a number of achievements including
20 celebrating his new role at Amazon, and I would have
21 been there with him along with, you know, a couple
22 hundred people or whatever the number was.

23 Q. And how many work social interactions
24 before that change in role did you have with Stefan
25 Haney on average per year?

1 A. During -- it's hard to estimate because it
2 would have varied widely. Is there a particular year
3 that would be helpful for me to comment on?

4 Q. Well, let's go through it: 2015?

5 A. If I were to guess and this is a guess, I
6 would say 20.

7 Q. 2014?

8 A. 5.

9 Q. Why do you believe that the number
10 increased significantly in 2015?

11 A. Stefan reported to a vice president who I
12 hired and was on my team, Mark Mitchke. During I
13 believe 2013 and 2014, Mark moved to a new role within
14 Amazon partway through 2015, and his direct reports
15 reported into me for some period of time before I
16 hired Mark's replacement.

17 Q. Garret Gaw, how many work social
18 interactions did you have with Garret in 2014?

19 A. Work social interactions?

20 Q. Yes.

21 A. Maybe a couple. I wouldn't be able to
22 recall what they are but it's possible that we had,
23 you know, happy hours or something that he would have
24 been at.

25 Q. And no pure social interactions?

1 A. No.

2 Q. Joel Mosby, 2015, same question?

3 A. Same one to two. They would have been
4 part of whatever team social events we were doing.
5 Like, we have a picnic every year, so I'm counting,
6 you know, they would have been at the picnic and I
7 would have been at the picnic, but that's it.

8 Q. Any going out for cocktails or going to a
9 ball game with 15 or 20 people or less with Haney in
10 2015?

11 MR. WOLFF: Including work events?

12 MR. NACHT: Yeah.

13 THE WITNESS: Well, no personal events, and I
14 don't recall if we had a baseball game social event
15 across our team that year. I know we have had -- I can
16 picture in my mind we've had Detroit Tiger/Seattle
17 Mariner team events, and there would have been -- there
18 would have been a lot more than 15 people there. There
19 would have been a lot of people there, but it's possible
20 that I attended one of those and he was there.

21 So I see the Tigers and the Mariners every year,
22 so I have a hard time separating was there ever one of
23 those I was with the team as opposed to with my friends
24 and family.

25 BY MR. NACHT:

1 Q. So this is a very important question for
2 your deposition and this case which is, of course,
3 because you're raising children here and I understand
4 this concept because I grew up in Boston. Who do you
5 root for because you're raising kids here, who do you
6 root for when it's Mariners/Tigers?

7 A. I root for the Detroit Tigers.

8 MR. WOLFF: Seahawks? Lions?

9 THE WITNESS: I root for the Detroit Lions.
10 When the Pistons came to play the Sonics, I rooted for
11 the Detroit Pistons.

12 MR. NACHT: I root for the Tigers too. It
13 took a little while.

14 MR. WOLFF: If you grew up with the
15 Washington Senators like I did in the '60s, it was easy
16 to switch allegiances.

17 (Laughter.)

18 BY MR. NACHT:

19 Q. Now, with Mr. Simpson I assume there are
20 more work social and other social interactions?

21 A. Ian Simpson?

22 Q. Yes.

23 A. I have probably -- can you give me a year,
24 I guess, time frame?

25 Q. Sure, 2015.

1 A. 2015, maybe three or four. No personal
2 interactions but the work social interactions we would
3 have been part of happy hours, and I usually hosted
4 for my direct reports one -- one dinner per year and
5 he would have been part of that.

6 Q. What about Mr. Gunningham?

7 A. I'm sorry. Could you ask me a question?

8 Q. Same question.

9 A. How many social interactions?

10 Q. Yes.

11 A. And the year is 2014?

12 Q. Well, let's just say on average per year
13 because you've worked for Mr. Gunningham for a number
14 of years, right?

15 A. That's correct. Zero personal social
16 interactions and gosh, work -- work social
17 interactions, maybe -- maybe three per year, and I'm
18 guessing at those, but we must have had happy hours or
19 events we would have been at at the same time.

20 Q. Okay. And same with Mr. Bezos?

21 A. No personal social interactions and no
22 work social interactions.

23 Q. Do you remember the New York Times article
24 that came out that was critical of Amazon's workplace
25 culture?

1 A. Can you show me a copy to make sure that
2 we're talking about the same article?

3 Q. I'm only aware of one initial article which
4 then was followed by a second -- by a response by
5 Mr. Bezos and a response by someone from Amazon and
6 then there was a subsequent New York Times article.
7 That's all I'm aware of.

8 MR. WOLFF: August 2015.

9 MR. NACHT: Thank you, Counsel.

10 THE WITNESS: Okay.

11 BY MR. NACHT:

12 Q. Is that what --

13 A. Yes, I'm aware of that article.

14 Q. Okay. Were you part of any groups,
15 conversations about how to respond to the New York
16 Times article?

17 A. No.

18 Q. Were you given any directives as a result
19 of any changes that you were told occurred as a result
20 of prompting by that article?

21 A. No, not that I recall.

22 Q. Do you remember that Mr. Bezos wrote an op
23 ed in the New York Times in which he invited Amazon
24 employees to send him e-mails?

25 A. I don't recall that he wrote an op ed, but

1 I do recall that he did encourage people to send an
2 e-mail to the head of HR or to himself.

3 Q. Are you aware of any interactions by him
4 directly in response to any of those e-mails?

5 A. No.

6 Q. Are you -- you have an admin?

7 A. Administrative assistant?

8 Q. Yes.

9 A. Yes.

10 Q. And did you in 2015?

11 A. Yes.

12 Q. Who was your admin in 2015, sir?

13 A. Jennifer Matthews.

14 Q. Is she still your admin?

15 A. Yes.

16 Q. Do e-mails that might come to you from
17 Mr. Bezos or his office, would they first always come
18 through Mr. Gunningham or might they be directly from
19 Mr. Bezos or his office to you or your office?

20 MR. WOLFF: And you're including his EAs when
21 you say "his office"?

22 MR. NACHT: Yes. EA's being executive
23 assistants or administrative assistants.

24 THE WITNESS: Can you clarify the question?

25 BY MR. NACHT:

1 Q. Do you want to repeat it or you want to
2 clarify it?

3 A. Well, just clarify because I didn't quite
4 understand the -- the nuance there between the two
5 scenarios.

6 Q. Well, I'm just trying to understand the
7 process. If -- and putting aside the prior
8 conversations about the New York Times. Mr. Bezos has
9 an interest in something and it has to do with
10 Marketplace, has Mr. Bezos ever picked up the phone and
11 called you?

12 A. No.

13 Q. Has he sent you texts?

14 A. No.

15 Q. Has he sent you e-mails?

16 A. Yes, I believe so.

17 Q. It's unusual?

18 A. Directly Mr. Bezos sending me an e-mail
19 alone, yes, that would be unusual.

20 Q. Not you alone, you with three or four other
21 people?

22 A. I don't know how to judge the frequency.
23 That has happened. He has sent me e-mails with others
24 included as part of the e-mail.

25 Q. Do you remember receiving any e-mails from

1 Mr. Bezos concerning unhappy employees or workplace
2 culture issues?

3 A. No.

4 Q. Do you remember receiving any e-mails
5 from -- well, let's -- let's go backwards.

6 Does Mr. Bezos's executive assistants, do they
7 ever send you e-mails?

8 A. Possibly, yes.

9 Q. And they might also send Ms. Matthews
10 e-mails?

11 A. Possibly, yes.

12 Q. If it concerns a human resources type
13 question, the e-mails might go through the human
14 resources chain from Bezos's office to human resources
15 and then come over to you from a human resources
16 person?

17 MR. WOLFF: Objection. Foundation.

18 If you know the answer, go ahead.

19 THE WITNESS: I don't know the answer, and
20 no, I have not received any e-mails as you described.

21 BY MR. NACHT:

22 Q. Okay. You receive e-mails from Shelly
23 Cerio or you did when she worked for Amazon?

24 A. I did receive e-mails from Shelly Cerio,
25 yes.

1 Q. You received e-mails from Madonna Cole?

2 A. Yes.

3 Q. You received e-mails from Shelly Cerio's
4 admin?

5 A. I believe that's possible, yes.

6 Q. You received e-mails from Mr. Beary?

7 A. Yes.

8 Q. You received e-mails from Sima?

9 A. Simmi, yes.

10 Q. Simmi.

11 A. Yes.

12 Q. How does a manager know how to show
13 sufficient backbone but then disagree and commit at the
14 appropriate time?

15 A. I think it's primarily through their work
16 experience and coaching and mentoring.

17 Q. Is certain people -- certain people are
18 more important than other people in terms of one's work
19 relationship; is that fair?

20 A. No. I think that's completely false.

21 Q. Okay. Explain.

22 A. I don't have anything to explain. It's
23 just completely false. We don't view people --
24 people's importance based on their -- whatever you
25 described, work relationship or whatever the words

1 were you used.

2 Q. And so a cumulative assessment by many
3 people is more important than one or two people's or
4 three people's assessments?

5 A. I don't know if I can answer your
6 question. It's too -- it's too ambiguous. Can you
7 give me a specific example?

8 Q. Yes. If the majority of people believe
9 that a person is successful in achieving a leadership
10 principle but a minority of people have concerns, you
11 value equally the majority position, each person is
12 valued equally in their assessment?

13 MR. WOLFF: Each piece of feedback is --

14 MR. NACHT: Each piece of feedback.

15 MR. WOLFF: -- is valued the same way?

16 THE WITNESS: I don't -- I think that those
17 sounded like two different questions.

18 We value for the purpose of establishing a
19 performance rating the feedback from people on the
20 person's team, from their colleagues and from other
21 people who would know their work well, and then we expect
22 the managers to synthesize and develop a performance
23 rating based on that information.

24 BY MR. NACHT:

25 Q. People who are rated least effective

1 automatically go on a performance improvement plan or
2 generally go on a performance improvement plan? Which
3 is it?

4 A. If a person is rated least effective one
5 time, they would generally go on a performance
6 improvement plan. If a person is rated least
7 effective two times in two years in a row, we would
8 automatically put them on a performance improvement
9 plan.

10 Q. Did Joel Mosby tell you that he put
11 Abdullah Haydar on a performance improvement plan in
12 2014?

13 A. I don't know.

14 Q. As you sit here today, do you know if
15 Abdullah Haydar was on a performance improvement plan
16 in 2014?

17 A. Well, I don't know if he was in 2014. I
18 know he was on a performance improvement plan after he
19 was rated least effective for two years in a row.

20 Q. Are you aware of a sex harassment complaint
21 that was made against Stefan Haney?

22 A. No.

23 Q. You've never heard of that?

24 A. I've never heard of a sex harassment
25 complaint against Stefan Haney, no.

1 Q. Any kind of EEO, equal employment
2 opportunity-type complaint against Mr. Haney?

3 A. Not that I recall, no.

4 Q. Amazon has an open door policy, right?

5 A. Correct.

6 Q. Managers are told quote, "You are welcome
7 to discuss any suggestion, concern or other feedback
8 with any member of the company's management.
9 Associates are encouraged to bring their ideas to the
10 attention of management," correct?

11 A. Correct.

12 Q. That's something people are given in their
13 owner's manual when they join the firm, right?

14 A. I believe that's correct, yes.

15 Q. And you believe it to be true, right?

16 A. I believe that to be true, yes.

17 Q. And it's very important, isn't it?

18 A. That people bring their ideas, yes.

19 Q. And their concerns?

20 A. And their concerns, yes.

21 Q. And you support that, right?

22 A. I do support that.

23 Q. Before you came to Amazon you were at
24 McKinsey, you were at Ford, you were at Borders. Did
25 you believe in that kind of open door policy based on

1 those experiences even before you came to Amazon?

2 A. Yes.

3 Q. Why? Why is it valuable?

4 A. I think it demonstrates respect and care
5 for people and I think that's important if you want to
6 build a high-performing team.

7 Q. Amazon respects failure, right?

8 A. Yes.

9 Q. Amazon encourages people to take risks and
10 think big and make choices, right?

11 A. Correct.

12 Q. Some organizations are known for punishing
13 failure primarily and as a result the organization has
14 a culture of timidity, fair?

15 A. I can't assess other organizations, but it
16 is correct to say that Amazon, we do encourage people
17 to experiment on behalf of customers and we are
18 willing to fail in an effort to serve customers
19 better.

20 Q. And individuals are encouraged to be bold,
21 to take action and consistent with the leadership
22 principles, right?

23 A. The primary leadership principle that
24 everyone has to be centered on is customer obsession.
25 So yes, in -- in the focus of being bold and thinking

1 big, we want people to be bold and think big about
2 things that would improve customer -- customer
3 experience.

4 Q. Is part of being a good manager not being
5 prejudiced?

6 A. I don't think there's any room for
7 prejudiced in leading people, period.

8 Q. Why?

9 A. Because it's not part of a professional
10 environment. It would be completely unacceptable.

11 Q. Now, if we take for a second the negative
12 connotation of the word "discrimination" because some
13 discrimination, discrimination against national origin
14 or religion as has been raised in this lawsuit is
15 illegal, right?

16 A. Yes.

17 Q. But some kinds of discrimination is normal,
18 right? We discriminate in favor of better performers
19 over weaker performers, and that's not illegal or
20 disfavored, right?

21 A. I don't think that's accurate. The
22 characterization of discrimination here in any form or
23 fashion doesn't resonate with me. We think of each
24 person as an individual person. We care about what
25 they're able to contribute and we don't use labels on

1 them to separate people.

2 Q. Well, we -- we evaluate as part of -- as
3 part of being a manager, the OLR process you're
4 evaluating what people contribute and what they're
5 capable of contributing, right?

6 A. We evaluate the past year's performance
7 against their goals, against our leadership principles
8 and their potential to grow in the organization and we
9 develop -- we use that to develop an overall rating
10 for them, that is correct.

11 Q. And people are treated differently based
12 upon their job, their level in the organization in
13 terms of compensation, right?

14 A. I don't -- I don't -- I don't agree with
15 your premise. People are not treated differently.
16 Are you asking if people are compensated differently?

17 Q. Okay. I mean if I'm working in a warehouse
18 making 15 bucks an hour and you're making over a
19 million bucks a year and I'm the guy making 15 bucks an
20 hour, I think I'm being treated differently, right?

21 A. No. No. I believe we treat everybody
22 with the same degree of respect regardless of what job
23 they have at Amazon.

24 Q. I didn't use the word "respect." There
25 is -- I'm not implying anything with -- in these

1 questions about -- I'm just trying to get the very
2 basic concept established that management is all about
3 making decisions and assessments, let's start with
4 that, right? Management is about decisions and
5 assessments?

6 A. A part of being a manager certainly is
7 making decisions and assessing the talent of the team,
8 yes. It's one -- it's one part of the role.

9 Q. And decisions include assessing, this is
10 someone who's going to succeed at that particular task
11 or not, right?

12 A. Correct.

13 Q. This is someone who can succeed in our
14 organization or not?

15 A. It's not about our organization. I
16 believe that's incorrect. It's whether or not this
17 person can be successful given the requirements to
18 serve customers and be productive at Amazon. That's
19 the assessment. Our bias is that we would like
20 everybody to be successful.

21 Q. And so you have a bias in favor of finding
22 opportunities and places for people to succeed?

23 A. We try -- our bias is to match the skills
24 and the experience of the people we hire to the role
25 that we put them in. That would be correct -- it

1 would be correct to say that.

2 Q. But because you want people to succeed, you
3 would look for opportunity to employ those human
4 resources productively within the organization?

5 A. Yes.

6 Q. You might be really terrible as a person
7 who has to ship packages out, you just might not have
8 the skill set for that even though you have a terrific
9 skill set for managing thousands of people, some of
10 whom do that, right?

11 A. That is possible, yes.

12 Q. You might not be successful at Jennifer
13 Matthews' position and she might not be successful at
14 your position, right?

15 A. Correct.

16 Q. And you would have respect for Jennifer
17 Matthews, but the organization treats you differently
18 in certain ways. It's not about respect, but it's just
19 there are just objective differences in the jobs,
20 right?

21 A. Are you asking if the jobs are different
22 between the job of my EA and my job?

23 Q. Well, obviously they're different.

24 A. Yes.

25 Q. Obviously the jobs are different.

1 A. Yes.

2 Q. And obviously the organization treats you
3 differently in terms of -- not in terms of respect, but
4 in terms of compensation and in terms of other factors
5 that constitute terms and conditions of employment,
6 some of them. Some things are the same, some things
7 are different, right?

8 A. I disagree with the word "treat."

9 Q. Okay.

10 A. Do different jobs have different
11 compensation? Yes. But we don't treat people --
12 Jennifer Matthews is treated with the same respect
13 that people would treat me or anybody else across our
14 team. If Jennifer Matthews had an idea about
15 something, people would be as interested to hear
16 her -- to hear her feedback as they would be on mine.

17 Q. On all subjects, really?

18 A. I don't -- I can't -- I can't answer in
19 the absolute, but I would say if it was a subject that
20 someone wanted to speak up on, we respect people's
21 opinions and we -- we listen to people and we're
22 respectful of others.

23 Q. Are you familiar with the concept of
24 stereotypes?

25 A. I'm familiar with what a stereotype is,

1 yes.

2 Q. Are you familiar with the concept of --
3 what is it? What is a stereotype?

4 A. I believe a stereotype is someone's
5 perception of you or an attribute about you.

6 Q. Which may not be related to the truth,
7 fair?

8 A. Fair.

9 Q. But is associated in your mind with a
10 characteristic about that person?

11 A. I believe that as a definition is correct.

12 Q. Okay. Are you familiar with the concept of
13 unconscious bias?

14 A. Yes.

15 Q. Would you agree with me that all of us as
16 human beings growing up in any country but certainly in
17 our country, we develop unconscious biases, every human
18 being, every single one of us?

19 MR. WOLFF: Objection. Foundation.

20 If you think as a general matter, you can answer,
21 go ahead.

22 THE WITNESS: I think as a -- as a general
23 statement my opinion would be a yes, I agree with you.
24 People develop some unconscious biases, and I would say
25 all human beings do, yes.

1 BY MR. NACHT:

2 Q. And there are other habits which are bad
3 for managing people that we have to struggle with,
4 right, just as humans?

5 A. I don't -- you have to be more specific
6 for me to...

7 Q. Sure. I guess part of being a good manager
8 is to impose self-discipline, right?

9 A. You'd have to be more specific so I can...

10 Q. Well, just as a general concept you'll
11 agree with that, right?

12 A. Is self-discipline important to be
13 successful? Yes, I believe self-discipline is
14 important.

15 Q. And specifically as a manager it's
16 important to recognize what you individually bring to
17 the table that's helpful and that's harmful, right?

18 A. I believe you do have to assess your
19 leadership skills in order to be an effective leader,
20 yes.

21 Q. And one of the cool things about the Amazon
22 leadership principles is that it very much embodies
23 that concept of self-awareness and collective efforts
24 to help people achieve self-awareness, right?

25 A. Our aim isn't -- isn't focused on what

1 you're describing. The leadership principles are
2 really focused on how do we build a culture and
3 organization that's focused on serving customers very,
4 very well. That's our focus.

5 Q. Okay. Be vocally self-critical for a
6 second. How could you -- how -- how -- not vocally
7 self-critical for you in the last 10 years. Something
8 a long time ago. What's something you had to overcome,
9 say, between 10 and 15 years ago, that you did overcome
10 that made you a better, more successful manager?

11 MR. WOLFF: You can answer if you can think
12 of an example that far in the past.

13 THE WITNESS: This is outside the
14 professional career? Outside my current experience at
15 Amazon?

16 BY MR. NACHT:

17 Q. No. Well, I guess you've been at Amazon
18 more than 10 years, right?

19 A. Correct.

20 Q. No, I was just -- in other words --

21 A. In general? Yes.

22 Q. I'm thinking actually about professional,
23 I'm not asking about your personal life.

24 A. Got it.

25 Q. I'm thinking about --

1 A. When I went back to business school at the
2 University of Michigan, I was really interested in
3 improving my analytic skills and I loved the
4 statistics course I took there, and I found it to be
5 very, very helpful to improve my analytic skills.

6 Is that the kind of example that you're looking
7 for?

8 Q. I'm not sure I was looking for an answer of
9 a specific kind.

10 Are there -- that's a skill. That's development
11 of a skill. What about a -- what about a personal
12 characteristic? Do you feel like you've ever had to
13 work on things in order to be a more effective leader
14 or a more effective manager?

15 A. Uh-huh.

16 Q. That's not so much a skill, although, there
17 may be skills in tackling the issue?

18 A. Uh-huh.

19 Q. We all have vices.

20 A. Uh-huh.

21 Q. We all have vices. We all need to work on
22 our vices. I'm not asking about your personal life.
23 I'm asking about your work life as a manager, about --

24 A. Yes.

25 Q. -- something like that.

1 A. What's the question? I'm sorry.

2 Q. Yeah. So what comes to mind about
3 something you've worked on that makes you a better
4 manager?

5 A. Would you like me to give you a specific
6 example this time?

7 Q. Please.

8 A. Okay. I choose to during reviews of
9 programs on my team allow the other leaders in the
10 room to ask questions and participate first, and I
11 purposely save my questions and feedback for the very
12 end of the meeting so that I can ensure that other
13 leaders get a chance to participate and so that we get
14 the thinking out from all of the people in the room.

15 Q. That's something you do now. Are you
16 saying that you learned that?

17 A. Yes.

18 Q. Tell me more about that.

19 A. Well, I think I love the work we do at
20 Amazon. I love to participate. I have high energy
21 and high engagement, and I try to maintain those
22 attributes but also create an atmosphere for other
23 leaders to have a chance to participate and speak up
24 and contribute to making the program better.

25 Q. And I don't want to put words in your mouth

1 or suggest something.

2 A. Yeah.

3 Q. But the original question was something
4 you've learned.

5 A. Yes. I've learned that at Amazon.

6 Q. Okay. So before you learned that, did you
7 talk too much at the beginning of the meeting? Is that
8 the point?

9 A. I wouldn't -- I wouldn't have been as
10 thoughtful at making sure that all the leaders got a
11 chance to contribute before I gave my feedback to the
12 team.

13 Q. Would you agree that working to eliminate
14 unconscious bias is something all of us who manage
15 people need to work on?

16 MR. WOLFF: Objection to "all of us who
17 manage people."

18 BY MR. NACHT:

19 Q. All of us who manage people.

20 A. I believe understanding and working on
21 unconscious bias is important, and we were the first
22 leadership team at Amazon to actually bring in
23 unconscious bias training and discussion into our
24 leadership off-sites, and so I do believe that is
25 important.

1 Q. Did you get trained in this?

2 A. I participated in the review of
3 unconscious bias, yes.

4 Q. Did you learn anything?

5 A. I did.

6 Q. Was it about race or gender or something
7 else?

8 A. It was not about race or gender, no.

9 Q. What did you learn?

10 A. One of the things I remember learning was
11 there's academic research that suggests that all human
12 beings have some unconscious bias and there was a
13 Harvard study showing that people sometimes mistakenly
14 will use cues about what a person might be good at
15 that may or may not have anything to do with whether
16 they're good at it or not.

17 Q. Are you a reasonably sensitive person in
18 the workplace?

19 MR. WOLFF: Objection.

20 MR. NACHT: Just for the record, Counsel,
21 what exactly is objectionable about the question?

22 MR. WOLFF: I'm not sure what "reasonably
23 sensitive" means.

24 MR. NACHT: All right. Well, the witness may
25 answer.

1 MR. WOLFF: Yeah. I'm not telling him not to
2 answer.

3 THE WITNESS: I don't know what that means.
4 Could you be more specific?

5 BY MR. NACHT:

6 Q. Do you think that you're thoughtful?

7 A. I do think I'm thoughtful.

8 Q. Do you try and avoid humiliating people?

9 A. I would never humiliate someone.

10 Q. You would never intentionally drive a car
11 into another car, but it might happen over the course
12 of a career in driving, right?

13 A. Is your question do I think it's possible
14 for people to get into car accidents?

15 Q. Where they don't consciously intend to get
16 into a car accident?

17 A. I can't answer the question. It seems too
18 ambiguous.

19 Q. Well, people accidentally get into car
20 accidents all the time, right?

21 A. I believe people do get into car
22 accidents, yes.

23 Q. Okay. And so if someone answered a
24 question in a deposition, I would never get in a car
25 accident, what they're really saying is I wouldn't

1 intentionally drive a car into another car or person or
2 building, but that doesn't mean that they wouldn't
3 actually do it?

4 MR. WOLFF: Objection.

5 THE WITNESS: I don't know enough about the
6 deposition or the situation so I can't -- I can't really
7 comment, I guess.

8 BY MR. NACHT:

9 Q. Well, it's certainly possible that you
10 unintentionally humiliated someone, right, at work?

11 A. I would never humiliate somebody at work.

12 Q. How about embarrass someone?

13 A. I would -- I would never try to embarrass
14 somebody at work.

15 Q. But that could happen accidentally?

16 A. I think -- it's hard for me to answer in
17 the abstract.

18 Q. At Michigan State were you in a fraternity?

19 A. No. Oh, actually, I'm sorry. I was
20 briefly in a fraternity.

21 Q. So you have this biosphere and at night you
22 put it up to 85 percent humidity and you lower the
23 temperature to 55 degrees, right?

24 A. My understanding is something like that,
25 yes. It makes it -- the plants be able to thrive, and

1 yes, I believe when people leave, the evening
2 temperatures and humidity are focused on what makes
3 plant thrive -- plants thrive.

4 Q. So I heard you say this on YouTube about
5 this Amazon biosphere, and something jumped out at me
6 which is this biosphere contains all of these different
7 kinds of plants, right?

8 A. Correct.

9 Q. And they come from different places in the
10 world, right?

11 A. Correct.

12 Q. But why would they all thrive in 55 degrees
13 at night and high humidity?

14 A. I can't answer that. I don't know.

15 Q. I bet there's some plants that -- maybe
16 plants from the desert that want low humidity?

17 A. I don't know.

18 Q. Amazon is sort of a biosphere for people,
19 isn't it?

20 A. I don't know. I don't think it's -- I
21 don't think it's an appropriate analogy to compare the
22 people and the talent of Amazon to a place of
23 horticulture. That doesn't sound right to me.

24 Q. Okay. Well, we get a diverse bunch of
25 people, right? You've got hundreds of thousands of

1 people working for Amazon, right?

2 A. That's correct.

3 Q. And -- but the leadership principles apply
4 to all of them, right?

5 A. They do apply to all the people who work
6 at Amazon, yes.

7 Q. And the corporate culture of Amazon
8 correctly handled can accommodate all kinds of people,
9 right, from all backgrounds?

10 A. We care about the talent and the ability
11 for people to contribute at Amazon, and I think there
12 are millions of people across the world that can be
13 part of Amazon, yes.

14 Q. Regardless of national origin or religion?

15 A. We don't consider such things as origin
16 and religion as we think about people. We don't label
17 people with those -- those labels.

18 Q. But some degree of sensitivity is required
19 in order to make it an environment that's conducive for
20 everyone, right?

21 MR. WOLFF: Objection.

22 THE WITNESS: I don't know. That's too
23 ambiguous a question. I'm not sure I understand.

24 BY MR. NACHT:

25 Q. Sure. Do you have an office in Japan?

1 A. Yes.

2 Q. Have you spent time in Japan yourself?

3 A. Yes, I have.

4 Q. Let's take the leadership principle of
5 expressing backbone.

6 A. Yes.

7 Q. Do you find that there are cultural
8 challenges in getting your Japanese team to get
9 comfortable with showing backbone when they come to
10 Amazon?

11 A. I don't think of people based on the
12 country of the office they're in. We do expect all
13 people who come to Amazon to understand the leadership
14 principles and to use the leadership principles to
15 guide their behavior. It doesn't matter what country
16 they're in. Using the leadership principles to guide
17 decisions you make and people you hire is the
18 expectation.

19 Q. But there are cultural differences about
20 what's polite and what's socially normative, aren't
21 there?

22 A. I don't know that I would describe those
23 as cultural differences. I think when I visit Japan,
24 I do ask the team for feedback on what's the way to
25 dress respectfully and to organize the meeting

1 respectfully and so -- but those are independent of
2 Amazon leadership principles. We don't change the
3 leadership principles based on the countries we're in,
4 but we certainly would be respectful in whatever
5 countries we're in to how business is conducted there.

6 MR. NACHT: Okay.

7 THE VIDEOGRAPHER: We're now going off
8 record. This is the end of Disc 1. The time is
9 9:38 a.m.

10 (Recess 9:38-9:49.)

11 (Mr. Haydar re-enters.)

12 THE VIDEOGRAPHER: We're now back on the
13 record in the continuing deposition of Peter Faricy.
14 This is the beginning of Disc 2. The time is 9:49 a.m.

15
16 EXAMINATION (Continuing)

17 BY MR. NACHT:

18 Q. Did you ever meet Nick Tawar face-to-face?

19 A. Yes.

20 Q. You found him irritating?

21 A. No.

22 Q. What was it you said about him, what was
23 his problem on the leadership principles?

24 A. Can we go back to the -- pull up the
25 things I said before. I don't recall exactly what I

1 said.

2 Q. I don't know what you said about it.

3 A. Yes.

4 Q. As you sit here today, what do you -- what
5 do you remember?

6 A. Well, you asked me has there been someone
7 else that I can recall that had an achieves
8 performance rating but was least effective, and I said
9 yes, and Nick was the example of that.

10 Q. I actually didn't ask you someone else, I
11 just asked you someone and first you said Abdullah
12 Haydar. And you believe Abdullah did in fact hit an
13 achieve as you sit here today, on goals or you're not
14 sure?

15 A. His performance ratings were, in the two
16 years he was there, least effective and least
17 effective.

18 Q. Right. But on the upper left-hand quadrant
19 of Exhibit 1?

20 A. I don't remember --

21 Q. You don't remember?

22 A. I don't recall what the performance
23 ratings were0, no.

24 Q. Okay.

25 A. Yes.

1 Q. And it's fair to say that -- I mean, I
2 asked you this earlier, but -- then we don't need to go
3 over it.

4 Tell me about Mat Philipson. Is he a good
5 leader?

6 A. I believe he is, yes.

7 Q. He's not a tech guy, right, he's a business
8 guy?

9 A. I believe he's a product manager.

10 Q. Can you picture him?

11 A. I can picture him.

12 Q. What are his strengths?

13 A. I -- I don't know.

14 Q. You have respect for Jim Joudrey, right?

15 A. I do.

16 Q. And for Avi Saxena?

17 A. I do.

18 Q. Do you remember making any comments about
19 Mr. Haydar and his wife --

20 A. No.

21 Q. -- at a meeting?

22 A. No.

23 Q. You sometimes use humor in meetings, right?

24 A. Yes.

25 Q. I do too. Humor can be a very effective

1 tool in order to find connection with people and break
2 down barriers, fair?

3 A. I believe that's fair, yes.

4 Q. But humor can also get you into trouble by
5 unintentionally offending people, fair?

6 A. I think humor can offend people, yes.

7 Q. You've reviewed documents before your
8 deposition, right?

9 MR. WOLFF: You can answer that.

10 THE WITNESS: Can you be more specific? You
11 mean the documents related --

12 MR. WOLFF: Did we look at documents
13 yesterday?

14 THE WITNESS: The documents related to this
15 case?

16 BY MR. NACHT:

17 Q. Yes.

18 A. Yes.

19 Q. You spent several hours yesterday preparing
20 for this deposition?

21 A. Correct. You were saying you're sorry
22 meaning that I had to spend a couple of hours
23 preparing for the deposition?

24 Q. Yeah. You know, I mean, you're a busy guy.
25 I'm sorry you have to spend time out of your day doing

1 this. You manage a lot of people and you have a lot of
2 responsibilities, and I appreciate your participation
3 in the process.

4 But you believe in our legal system, right?

5 A. Can you be more specific?

6 Q. Well, you're proud to be an American --

7 A. Yes.

8 Q. -- with our legal system, right?

9 A. Yes.

10 Q. It doesn't mean that you believe that every
11 case is decided correctly or that everything is
12 perfect, but as a general matter, you're proud to be an
13 American with our legal system, right?

14 A. Correct.

15 Q. And you believe that we should have laws
16 that allow people who believe they have been treated
17 unfairly to seek redress in the courts?

18 MR. WOLFF: Objection to the extent it seems
19 a legal conclusion.

20 If you got an opinion, you can share it.

21 MR. NACHT: I don't seek a legal conclusion.

22 BY MR. NACHT:

23 Q. Just philosophically, you personally?

24 A. Philosophically I like that our judicial
25 system allows people who feel like they have been

1 harmed to -- to seek justice, yes.

2 Q. Okay. I appreciate you participating in
3 that process today and I guess yesterday to the extent
4 you had to prepare for today.

5 In preparing for the deposition, did it help
6 trigger your memory about any of the things we've been
7 talking about today?

8 A. I'm sorry. Can you be more specific?

9 Q. Well, I kind of don't want to in order to
10 protect attorney/client privilege because I don't want
11 to get into the conversation you had with your lawyer
12 yesterday. I just -- our memories are, we carry a lot
13 of things with us and some things pop up and some
14 things can take time to peculate up. That's just the
15 way our memories are.

16 Is that your experience just as a human?

17 A. I think that seems accurate, yes.

18 Q. Okay. And so I'm wondering if in looking
19 at documents and whatever discussions you had, without
20 characterizing those discussions, it was helpful in
21 terms of your memory?

22 A. I -- I can't answer the question. It's
23 too ambiguous.

24 Q. Okay.

25 A. When you say helpful to your memory I

1 don't know how to -- how to judge it.

2 Q. Yeah, just about the kinds of things I've
3 been asking today, about any of them?

4 A. There has not been a question you've asked
5 today that I recall yesterday's documents being tied
6 to.

7 Q. Did you spend a lot of time on Brother
8 Rice?

9 A. I don't believe we spent any time on
10 Brother Rice.

11 Q. When you are looking at reviews in the OLR
12 about a manager's performance, what steps do you take,
13 if any, to try to determine whether a particular person
14 has an agenda or a bias?

15 A. I don't think that the description is
16 correct. We don't look at the performance reviews
17 themselves in an OLR, and we do expect that the --
18 that the managers will bring in data to support the
19 performance rating, the leadership rating, the growth
20 potential and the overall rating.

21 Q. When, if ever, besides -- did you read the
22 lawsuit in this case, the complaint?

23 A. I'm sorry?

24 Q. Did you read the complaint in this lawsuit
25 or not?

1 A. Yes.

2 Q. And it makes reference to some e-mails to
3 Mr. Bezos?

4 A. I don't recall if it does.

5 Q. Okay. Did you -- do you have any memory
6 that Abdullah Haydar had complained to Mr. Bezos?

7 A. No, I was not aware until this lawsuit of
8 that.

9 Q. It's hard to be sued because you're being
10 called a name. You're being accused of something which
11 if you're a good person, you don't believe yourself to
12 be and so it's a painful process. It's just the way it
13 is. Surgery is painful. Lawsuits are painful. Some
14 things are just painful.

15 Getting criticism at work without being sued,
16 just getting criticism at work is a painful process
17 for -- for many people. Is that a fair statement?

18 A. I don't know how to judge the -- the
19 comment. I don't think criticism is the way I would
20 view it. If you're referring to is giving feedback to
21 others a helpful way to coach and improve people's
22 performance, I would say yes. And --

23 Q. Have you ever gotten negative feedback?

24 A. Yes, I would guess.

25 Q. Not guess?

1 A. Yes.

2 Q. I mean, you got constructive criticism?

3 A. Yes.

4 Q. Or feedback at McKinsey?

5 A. Yes, I believe so.

6 Q. At Ford?

7 A. Yes.

8 Q. Some of it you agreed with, some of it you
9 didn't?

10 A. I don't recall the specifics.

11 Q. At Borders, did anyone give you any
12 feedback?

13 A. I would guess the answer is yes.

14 Q. I don't want you to guess. Do you remember
15 or you don't remember?

16 A. I don't specifically remember specific
17 feedback, but it seems like it was, you know, during
18 the time I was there, there must have been discussions
19 and feedback offered about things I could do to
20 improve.

21 Q. You left Borders for the Amazon job, you
22 had it lined up?

23 A. I left Borders to come to Amazon, correct.

24 Q. Had Amazon recruited you or did you reach
25 out to them?

1 A. Amazon recruited me.

2 Q. Who? Wilke, Gunningham?

3 A. Susan Harker.

4 Q. You're a Michigan guy. It was coming out
5 to the Pacific Northwest. You must have had to think
6 really hard about it, yes?

7 A. Yes.

8 Q. And Borders had bookstores, brick and
9 mortar bookstores. You had previously worked for the
10 leading management consulting firm in the country, in
11 the world really, and for a car company some people
12 have heard of called Ford?

13 A. Correct.

14 Q. This was a -- at the time while it was a
15 growing company, it was still a very different kind of
16 industry and it was in another part of the country.
17 What attracted you to come to Amazon?

18 A. Growth.

19 Q. Could you be more specific, please? That
20 can mean a lot of different things.

21 A. Yes. I was very, very, very impressed
22 with the number of initiatives the Amazon leadership
23 team had lined up that they were focused on trying to
24 do to serve customers well, and I -- I love focusing
25 on growth opportunities and I thought this was just a

1 great opportunity.

2 Q. I'm one of those guys who loved Borders. I
3 really -- I loved it, and then it's not that I started
4 buying books online, I just -- I stopped caring about
5 Borders because they killed the experience by thinking
6 about sales per square foot and taking out all the
7 books I wanted to browse and read and the interesting
8 salespeople who had Ph.D.s and things I knew nothing
9 about that I could talk to when I was in there. And so
10 I would buy the book that one could buy online or from
11 Barnes & Noble or whatever, but I went in for the
12 experience, the intellectual exploration experience.
13 And I think I was a pretty classic Borders customer,
14 and I think the company wasn't paying attention to me
15 and a lot of people like me.

16 Does that ring true to you as a former Borders
17 person who went to Amazon?

18 A. I can't say. I do feel like Amazon
19 offered something in books that sounds like it
20 appealed to you which is that they didn't view the
21 selection boundary to be what could fit into a
22 physical store. With -- with e-commerce it allowed
23 Amazon to offer every book possible all around the
24 world that they could find, and I think that's been
25 wonderful for customers. It sounds like it resonated

1 with you as well.

2 Q. When did the concept of nudging or
3 suggesting, when did that come into play?

4 A. I'm sorry. Can you be more specific?

5 Q. Yeah, with Amazon, you bought this or you
6 were looking at this, have you thought about this?

7 A. The feature I think you're referring to
8 which is people who bought this or viewed this also
9 bought this recommendation feature, I couldn't tell
10 you the year, but it was in early Amazon days that
11 that was an important feature.

12 Q. Before you joined them?

13 A. Before I joined, correct.

14 Q. Did you find that an attractive concept?

15 A. As a customer, I do find that to be
16 helpful, yes.

17 Q. You were excited to go to Amazon because of
18 the focus on the customer and the way that you imagined
19 correctly that it would lead to the growth of the
20 company; is that fair?

21 A. Fair.

22 Q. And it's really all about thoughtfulness
23 for the customer, right?

24 A. I think thoughtfulness is part of the
25 customer obsession equation, yes.

1 Q. I mean, it's not -- it's not that the
2 device or the experience of the online experience is
3 designed because a particular engineer thinks it might
4 be unimportant to wait or to have to figure something
5 out, it's all about what the actual customer
6 subjectively perceives the experience to be and
7 improving that, right?

8 A. We do focus on what customers want and we
9 try to deliver exactly what they want and more,
10 correct.

11 Q. Apple provides devices that are easy for
12 nontechnical people that have an intuitive design feel,
13 agreed?

14 A. Agreed.

15 Q. And Amazon does something with the online
16 experience that is similar, right?

17 A. I believe so, yes.

18 Q. And so people are happier engaging in the
19 shopping experience and spending money which is what
20 business is about on some level, right?

21 A. I'm not sure I agree with that, but I
22 think customers -- I think it would be fair to say the
23 feedback is that customers do love shopping on Amazon.

24 Q. And as I heard you say, they're spending
25 more time on the sites shopping than they used to, and

1 you believe that's because you provide them with a
2 better experience, right?

3 A. Correct.

4 Q. What's the average length of time people
5 work at Market- -- in Marketplace?

6 A. I don't know.

7 Q. Is reducing turnover important or not?

8 A. Retaining top talent is definitely
9 important.

10 Q. So it's not overall retention, it's top
11 talent retention?

12 A. I think it's very important that we retain
13 top performers at Amazon and that's definitely an
14 important focus.

15 Q. When is the first time you remember having
16 a conversation with Ms. -- with Sima -- Simmi?

17 A. Simmi.

18 Q. -- with Simmi about Mr. Haydar?

19 A. I don't recall any conversations with
20 Simmi about Abdullah.

21 Q. And let's expand the definition of
22 conversation to include e-mails or any other kind of
23 interaction. Do you have any recollection?

24 A. I don't.

25 Q. What about with Mr. Beary? Do you have any

1 recollection?

2 A. Yes, yes.

3 Q. And with Ms. Cerio, do you have
4 recollection?

5 A. Yes.

6 Q. And with Ms. Cole, do you have
7 recollection?

8 A. Sorry. Are these specific to e-mail or
9 any conversations?

10 Q. Any.

11 A. Yes.

12 Q. Written or verbal or video chat or --

13 A. Got it. With Ms. Cerio, yes. With
14 Ms. Cole, I don't remember.

15 Q. Okay. So let's just go through it with
16 Cerio and then with Beary, please.

17 A. Yeah.

18 Q. So Ms. Cerio. Just all the interactions
19 you remember.

20 A. With Ms. Cerio about Abdullah?

21 Q. Yes.

22 A. The only interaction that I remember with
23 Ms. Cerio about Abdullah was she gave me an update
24 between some meetings that was the result of an
25 internal investigation of some claims that Abdullah

1 had made, and her report back to me was that the
2 internal investigation had revealed that all of those
3 claims were false and that the HR team and whoever
4 Abdullah would have been reporting to at that time
5 would be following up with him to communicate that.

6 Q. Okay. And with Mr. Beary, all interactions
7 that you remember as you sit here today about Abdullah.

8 A. The only interactions I remember were
9 either Mike giving me an update on Abdullah,
10 Abdullah's progress on his performance improvement
11 plan or me asking Mike for an update about Abdullah's
12 progress on a performance improvement plan.

13 Q. Why? Why would you ask?

14 A. I was worried -- when you have someone
15 who's performing poorly and is two years least
16 effective, that's extremely rare at Amazon, and for
17 that person to be a team leader and in a small remote
18 dev center, I really worried about the impact of his
19 performance on his team but also the broader office as
20 well.

21 Q. Any specific worries about on his team?

22 A. I don't recall specifics on his team.

23 Q. Do you recall specifics about on the
24 broader office?

25 A. I do.

1 Q. What do you recall?

2 A. I recall an incident where Abdullah shared
3 information that was misleading and confidential about
4 potential State of Michigan legislation that caused a
5 number of people in the office to worry about whether
6 or not the office would be shut down and whether or
7 not their jobs would be at stake.

8 Q. Was Abdullah Haydar, did he have some sort
9 of site leader role in Detroit?

10 A. No.

11 Q. Had he built a team in Detroit?

12 A. I don't know for certain. It's possible
13 when he -- when we moved him to Detroit that he took
14 over an existing team, but it's also possible he would
15 have added to that team. I don't know the facts
16 there.

17 Q. Do you know if he was good at team building
18 in Detroit?

19 A. I don't.

20 Q. And the -- if he had heard something,
21 whether it was accurate or not accurate, wasn't it his
22 duty to share it?

23 A. No. His duty would have been to discuss
24 it with whoever his manager was and to certainly seek
25 more information about it, but to share it more

1 broadly with people in the office, I know Ian Simpson
2 and Garret Gaw and a number of other folks thought
3 that was completely inappropriate. And I agree with
4 their assessment.

5 Q. And how do you know that he did that?

6 A. I believe Ian and Garret mentioned it to
7 me.

8 Q. And there's an e-mail where he's sharing it
9 with Garret Gaw about this is about the tax
10 negotiations with the State of Michigan at the time,
11 right?

12 A. I'm not familiar with that e-mail.

13 Q. Okay. But -- are you sure that he shared
14 it with anybody else?

15 A. I only know what was relayed to me from
16 Garret and Ian based on the concerns that other
17 engineers in the office expressed about finding this
18 out.

19 Q. All right. You have no -- you did no
20 follow-up to determine if Abdullah Haydar was spreading
21 discord or...?

22 A. I did not follow up on that specific
23 issue.

24 Q. Okay.

25 A. But it was an example of something that

1 worried me about his performance. Certainly it
2 worried me.

3 Q. Is there anything else that you can think
4 of as you sit here today just based on memory about
5 Abdullah Haydar's performance?

6 A. I mean, the -- the -- the facts of someone
7 being least effective in their first year at Amazon
8 and least effective two years in a row, that's --
9 that's extremely rare and it would make you very
10 worried that this person isn't performing at the
11 standards that we require at Amazon. So anyone who
12 would have been in that bill, I would have worried
13 about.

14 Q. And you were relying on Joudrey's input in
15 rating him least effective in 2013?

16 A. All of the people who contributed to his
17 ratings would include Kanda, Jim Joudrey, Curt Ohrt,
18 Ian Simpson, Joel Mosby, Garret Gaw, Avi Saxena, and I
19 may be missing someone in there, but whoever were --
20 whoever was his manager and whoever was that manager's
21 manager, I would have absolutely relied upon their
22 ratings, yes.

23 Q. And you were describing earlier how you
24 listened to everybody before you give input, right?

25 A. I said one of the lessons I've learned

1 about program reviews is I've learned that I enjoy it
2 more and I think it's a more effective management
3 strategy to let others give their feedback first
4 before I give mine, yes.

5 Q. So you did not give input or did you give
6 input or do you not remember if you gave input into
7 Abdullah Haydar's 2013 review?

8 MR. WOLFF: That he would have received in
9 2014?

10 MR. NACHT: Yes.

11 THE WITNESS: I don't -- I believe the person
12 who would have been responsible for the review would have
13 been Kanda and he would have written the review with the
14 feedback he received from people across our team, and I
15 don't believe -- I don't believe I would have had any
16 feedback as part of that review.

17 BY MR. NACHT:

18 Q. I'm going to show you a document you may
19 not have seen before, but it was produced to us from
20 Amazon Bates stamp 411 double-sided document, 411, 412,
21 413, 414. Let's mark it as Exhibit 2.

22 (Exhibit No. 2 marked
23 for identification.)

24 BY MR. NACHT:

25 Q. It's not to you or from you and you may

1 never have seen it. You may have seen it, I don't
2 know. The document purports to be an investigative
3 interview with Jim Joudrey by Anne DeCleene, April 2nd,
4 2015.

5 Do you agree that's what it says it is?

6 A. I do believe that's what it says it is,
7 yes.

8 Q. Okay. On the back of the first page under
9 ratings -- have you seen this document before?

10 A. I don't believe so.

11 Q. Okay. If you look to Paragraph 2B Roman
12 numeral X and then down from there, I'd like you to
13 just take a little time and read this, please.

14 A. (Witness complies.)

15 Q. Okay. So this is what Anne DeCleene wrote
16 that Jim Joudrey told her?

17 A. Yes.

18 Q. And Joudrey evidently told her that you
19 were not a fan of Abdullah Haydar, subparagraph X, do
20 you see it?

21 A. I see what's written here, yes.

22 Q. Okay. Do you remember saying anything in
23 the OLR which would have given Jim Joudrey that
24 perception?

25 A. No.

1 Q. Then No. 1, it says, "He wasn't an LE going
2 into the OLR." LE would be...?

3 A. Least effective.

4 Q. And so that sounds like Joudrey is saying
5 that Haydar in Joudrey's mind was not going to be rated
6 least effective heading into the OLR?

7 A. I don't -- I don't know the facts on that.

8 Q. Okay. But do you agree that that's what it
9 says?

10 A. I agree the words here says he wasn't an
11 LE going into the OLR. I don't know what the facts
12 were, though.

13 Q. And then Paragraph 2, it says, "Avi" -- and
14 that would be Saxena?

15 A. Correct.

16 Q. "Avi" --

17 A. I believe so, yes.

18 Q. "Avi and I argued hard for him in the OLR
19 to not be an LE."

20 Do you have any recollection of that?

21 A. No.

22 Q. And then it says under 3, "If he really is
23 an LE, why move him to Detroit?"

24 Do you remember that subject coming up?

25 A. I do.

1 Q. And then it says, "We had a big
2 discussion."

3 Do you remember there being a big discussion or
4 at least a discussion?

5 A. I do remember there being a discussion
6 about the move to Detroit, yes.

7 Q. Okay. That's Abdullah Haydar moving to
8 Detroit?

9 A. Correct.

10 Q. Okay. It says, "I think he was on the
11 bubble."

12 Any memories of that?

13 A. I don't know what that refers to.

14 Q. And then it says, "Peter pushed, made the
15 ultimate call."

16 Do you have any memory of that?

17 A. I do.

18 Q. Okay. I'll ask you in a sec.

19 A. Okay.

20 Q. It said, "A, he referenced meetings he had
21 been in with Abdullah."

22 Do you have any recollection of referencing
23 meetings you had been in with Abdullah --

24 A. No --

25 Q. -- in the meeting?

1 A. -- I don't.

2 Q. All right. Now, I want to go back to the
3 discussion and tell me what you remember.

4 A. I pushed and made the call on allowing
5 Abdullah to move to Detroit and restart and have
6 another chance at Amazon. That's what that's
7 referring to and that's what I recall discussing in
8 the meeting.

9 It's unusual with someone's performance ratings
10 being so poor to start with and being so poor the
11 first year to move this person to another office to
12 another team, and that would have required my -- my
13 view because we hold senior leaders accountable if
14 they take people who are performing poorly and move
15 them to other teams in other offices, and I did think
16 from the meetings I had been in with Abdullah, which I
17 don't remember very many, but I do remember feeling
18 like he deserves an opportunity to go to a different
19 team in a different office and have a chance to be
20 productive at Amazon.

21 Q. You certainly would not feel like after
22 spending some time with Abdullah after he had been with
23 the company some months that he was a -- not going to
24 work out?

25 A. I don't know. These ratings are -- they

1 are alarming and they're poor, and I think the
2 feedback from the leaders on my team who managed
3 Abdullah from the beginning of his time at Amazon was
4 pretty consistent about this -- these performance
5 ratings. And anyone who has these kind of performance
6 ratings when they first join Amazon, you absolutely
7 would worry about their opportunity to be successful.

8 (Discussion off the written record.)

9 MR. NACHT: Bates stamp 2184. Let's mark
10 this as 3.

11 (Exhibit No. 3 marked
12 for identification.)

13 BY MR. NACHT:

14 Q. I don't know if you've seen this document.
15 It's another document produced by Amazon in this case.
16 It purports to be an e-mail from Jennifer JoHanson.

17 Do you know her?

18 A. I do.

19 MR. WOLFF: Do you have a copy for me?

20 MR. NACHT: Oh, yeah. I'm sorry.

21 BY MR. NACHT:

22 Q. She's a human resources person?

23 A. Yep.

24 Q. Did you work with her?

25 A. I did.

1 Q. To Anne DeCleene. Presumably this is in
2 connection with the DeCleene investigation of Haydar's
3 complaints based upon the timing because it was sent
4 April 1, 2015, and the subject is Abdullah Haydar
5 documents. And there's -- Paragraph 4 states,
6 "Additionally I found in my Marketplace VP 2014 OLR
7 notes this entry for Abdullah. Unfortunately I didn't
8 note the ratings prior to changing but my notes made me
9 think he came in with ADNMHV." And the chart shows
10 Abdullah Haydar with a performance rating of achieves
11 and a leadership rating of DN.

12 So the acronym, A would be achieves?

13 A. Correct.

14 Q. DN would refer to the leadership ratings?

15 A. I don't know. I guess that is -- I don't
16 know what DN refers to.

17 Q. Do you know what M refers to?

18 A. I'm not sure in this context what it is.

19 Q. And HV would be highly valued?

20 A. I would believe so.

21 Q. And highly valued is sort of the big
22 middle. It's a passing score. It's not a low
23 pass/fail. It's not a high pass, right? I mean, this
24 is what most people get?

25 A. No. I think the -- the -- the -- any part

1 of the rating that would be does not meet or least
2 effective or needs improvement or low we would
3 separate out any performers who had those types of
4 indicators in their rating into a different bucket
5 theoretically.

6 Q. Do you dispute Mr. Joudrey's account that
7 Abdullah Haydar was headed into the OLR with higher
8 ratings than he came out with?

9 A. I don't know.

10 Q. Do you think that it's possible that you
11 pushed not only for Abdullah Haydar to go to Detroit
12 but also pushed for him to be rated as least effective?

13 A. No.

14 Q. Do you dispute that you were not a fan of
15 Abdullah Haydar in the early 2014 period when the 2013
16 OLR was being conducted?

17 A. I don't think words "not a fan" resonate
18 with me, so I don't think of people as fans of them or
19 not fans of them.

20 Q. Did you have an impression that Haydar was
21 a bad fit for the culture of the company?

22 A. I had an impression that his -- his
23 performance was struggling from the first few months
24 that he joined Amazon and Kanda and Curt Ohrt and Avi
25 Saxena and a number of people were very alarmed at the

1 poor performance.

2 THE WITNESS: Can I do a quick bio break
3 again?

4 MR. WOLFF: Yeah, I need one too.

5 MR. NACHT: Sorry. What are we doing?

6 MR. WOLFF: Quick bio break. Bathroom break.

7 MR. NACHT: Didn't we just break?

8 MR. WOLFF: We broke at -- we broke
9 40 minutes ago.

10 MR. NACHT: Oh.

11 MR. WOLFF: We'll come right back.

12 THE VIDEOGRAPHER: We're now going off
13 record. The time is 10:33 a.m.

14 (Recess 10:33-10:37.)

15 THE VIDEOGRAPHER: We're now back on the
16 record. The time is 10:37 a.m.

17 (Exhibit No. 4 marked
18 for identification.)

19

20 EXAMINATION (Continuing)

21 BY MR. NACHT:

22 Q. I'm showing you Exhibit 4. It's an e-mail
23 chain. This was produced to us. It's a two-sided
24 document. It's Bates stamped 2200, Counsel, and I
25 think it was produced at different -- with different

1 Bates stamp numbers at different stages in the e-mail
2 chain. This one has on top Abdullah Haydar forwarding
3 to Jennifer JoHanson June 9th, 2013, but I imagine that
4 you viewed in preparation for the deposition your
5 e-mail to Mr. Haydar from Sunday, June 9th, 2013?

6 A. Correct.

7 Q. Okay. And what was in your mind, if you
8 can remember, when you informed Mr. Haydar to
9 understand and integrate with the Amazon leadership
10 principles and culture?

11 A. Abdullah had gotten off to a rough start
12 in terms of his performance on Amazon. The e-mail
13 that he sent, I guess, continued to worry me that he
14 wasn't taking responsibility for his performance, and
15 my response was focused on how can I help him be
16 successful at Amazon. I would like him to be wildly
17 successful and what are the things as they have been
18 relayed to me that would help him the most turn his
19 performance around and be successful.

20 Q. Is Kanda still with the company?

21 A. I don't know.

22 Q. That's Ramiah Kandasamy?

23 A. Correct.

24 Q. Did you ask Kanda to leave Marketplace?

25 A. No.

1 Q. Did someone ask Kanda to leave Marketplace?

2 A. No.

3 Q. Was Kanda an effective manager, in your
4 opinion, in Marketplace?

5 A. Yes.

6 Q. In Abdullah Haydar's e-mail that's on this
7 dep exhibit, he says, "I take full responsibility for
8 my own actions regardless of any coaching and I am
9 definitely committed to learning from and not repeating
10 my mistakes."

11 On the next page he says, "My intention was
12 certainly not" -- this is at the bottom of the first
13 paragraph -- "My intention was certainly not to go
14 against your advice, so please accept my apology if I
15 misunderstood your direction. If I am still
16 misunderstanding your advice, I would definitely
17 appreciate any clarifications you can provide."

18 Isn't -- aren't those words indicating his
19 willingness to be a better listener and vocally
20 self-critical, those words I quoted to you?

21 A. I think the full context of the note
22 suggests, I guess, some level of disrespect or --
23 or -- or not working with the person that he reported
24 to directly and...

25 Q. What -- what in the note exactly, given

1 that Amazon has an open door policy?

2 A. Yes.

3 Q. What in the note exactly indicates
4 disrespect to you? Are you talking about disrespect to
5 Kanda?

6 A. I believe so, yeah.

7 Q. Okay.

8 A. Yeah. The tone of the note is has anyone
9 coached me, and part of being a responsible leader is
10 taking responsibility to learn about things yourself
11 in addition to benefitting from the learning that
12 others can give you.

13 Q. But when he says he takes full
14 responsibility for his own actions regardless of any
15 coaching, did you not believe him?

16 A. I think those are -- those are words that
17 are in line with someone who wants to improve their
18 performance but we don't rely upon e-mail words for
19 people's performance. We rely upon people actually
20 performing.

21 Q. Jim Joudrey and Anand Vardarajan also
22 complained about Kanda, right?

23 A. No.

24 Q. They didn't express concern about Kanda?

25 A. Not to me. In fact, I believe Jim really

1 benefitted from working for Kanda and Kanda, if I were
2 to summarize Kanda, he's one of the most respected
3 engineers at that time that we had across our team.
4 He was the go-to person for most people across Amazon
5 to understand Amazon Marketplace technology better.

6 Q. Is there anything else about this -- did
7 this e-mail bother you or offend you or trouble you?

8 A. No, I viewed it as a gift to Abdullah to
9 try to clarify for him. He asked at the end of this
10 e-mail for guidance, and so if I didn't care about his
11 performance, I guess I could have just forwarded this
12 e-mail to Kanda and the HR team or whatever it might
13 have been, but I -- I -- I did care and did want him
14 to be successful. And so I took the time to think
15 about what is it that I could share with him that I
16 thought would be helpful for him.

17 Q. And when you told him, keep your head down,
18 your mouth shut and do your job, you meant, please stop
19 sending me e-mails about your supervisor?

20 A. Incorrect.

21 Q. What did you mean?

22 A. I meant, if you read these first
23 two points, it's really all about respecting others,
24 listening to others and building trust with the other
25 teams at Amazon. And my -- my -- my top two

1 priorities for him are meant to be very clear and very
2 specific and very actionable so that he could take
3 those on and really be successful at Amazon.

4 Q. At some point did you decide that Abdullah
5 Haydar was a bad fit for the company's culture?

6 A. I don't assess Abdullah's fit for the
7 company culture. I take a look at his performance
8 ratings. He was rated least effective in his first
9 year and he was rated least effective in the second
10 year, and what I do recall is that, you know, we have
11 a understanding that anyone who's rated least
12 effective two years in a row automatically goes on a
13 performance improvement plan. And I wanted to make
14 sure that Abdullah was on a performance improvement
15 plan because least effective two years in a row is
16 very rare and -- and very poor performance ratings.

17 Q. What you're saying is you're relying on the
18 ratings in assessing how you treated Abdullah Haydar,
19 right?

20 A. What I'm saying is that in my
21 participation of people who don't report to me
22 directly, I rely upon their managers' assessment and
23 their managers' ratings to understand how well that
24 person's performing.

25 Q. Since Jim Joudrey is a person of integrity,

1 you don't dispute his perception that you are not a fan
2 of Abdullah Haydar whether in fact you said it or
3 didn't say it, whatever you said, you believe him that
4 he honestly felt that, that that was his perception of
5 your perception about Abdullah Haydar, correct?

6 MR. WOLFF: Objection. Form. Foundation.

7 THE WITNESS: Repeat the question.

8 MR. WOLFF: Let's hear the court reporter
9 repeat the question, please.

10 (Question on Page 121, Line 25, and
11 on Page 122, Lines 1 through 5,
12 read by the reporter.)

13 MR. WOLFF: Objection.

14 THE WITNESS: That's extremely confusing.

15 BY MR. NACHT:

16 Q. Then I'll ask it in a simple way.

17 A. Okay.

18 Q. You have no reason to dispute that Jim
19 Joudrey was being an honest reporter when he told Anne
20 DeCleene that he perceived you not to be a fan of
21 Abdullah Haydar in the OLR reviewing 2013 that occurred
22 in 2014?

23 A. I wasn't in the discussion with Jim and
24 Anne, and I couldn't -- I couldn't begin to assess
25 what comments --

1 Q. That's not what I'm asking. I'm not asking
2 about --

3 A. Got it.

4 Q. -- the discussion with Jim and Anne.
5 I'm -- I'm saying Amazon produced this document to us.
6 Let us assume that it is an accurate document. I'm
7 not -- you can't tell me it's accurate. I'm not asking
8 you to tell me it's accurate --

9 A. Okay.

10 Q. -- what Joudrey actually said to
11 Ms. DeCleene. I'm saying if it turns out that
12 Mr. Joudrey said that to Anne DeCleene, you have
13 nothing to dispute that that was his perception?

14 A. I don't think it's possible to answer the
15 question because I don't know what Jim's perceptions
16 are.

17 Q. Okay. Fine.

18 Are you aware of doing or saying anything that
19 might have given him a perception that you are not a
20 fan of Mr. Haydar?

21 A. No.

22 Q. Are you aware of doing or saying anything
23 that might have given Mr. Gaw the perception that you
24 are not a fan of Mr. Haydar?

25 A. No.

1 Q. Are you aware of doing or saying anything
2 that might have given Mr. Mosby the perception that you
3 are not a fan of Mr. Haydar?

4 A. No.

5 Q. Is it possible, is it possible that your
6 comments resulted in Abdullah Haydar's performance
7 review becoming least effective instead of highly
8 valued in the 2013 OLR conducted in 2014?

9 MR. WOLFF: Objection.

10 You can answer. Is that possible?

11 THE WITNESS: I don't believe so.

12 BY MR. NACHT:

13 Q. Why not?

14 A. Because I rely upon the manager to make
15 the final call about the performance rating, and I
16 don't know if I have the right time frame right, but I
17 believe this is referring to a time that Joel Mosby
18 managed Abdullah Haydar, and I would have relied upon
19 Joel to make the final decision about what the
20 appropriate performance rating was.

21 Q. You made a decision by the spring of 2015
22 that Abdullah Haydar was not working out and he should
23 be coached out?

24 A. Incorrect.

25 Q. You still wanted him to succeed?

1 A. The purpose of putting someone on a
2 performance improvement plan is to give them the
3 opportunity to improve their performance and that's
4 exactly what we wanted for Abdullah.

5 Q. The biggest problem Abdullah had was his
6 relationship with Haney, right?

7 A. I -- incorrect.

8 Q. Is there any other interaction that
9 impaired his ability to get his job done, to get his
10 goals achieved that you're aware of?

11 A. I would not be aware of those.

12 Q. You blocked the transfer of Haydar
13 April 29th, 2015, April 30th, 2015, that he wanted to
14 take to AWS, right?

15 MR. WOLFF: Objection.

16 THE WITNESS: That's not correct.

17 MR. NACHT: You see the results of me not
18 having my admin with me.

19 MR. WOLFF: Or a stapler.

20 (Exhibit No. 5 marked
21 for identification.)

22 MR. NACHT: This is 568 through 570, right?
23 I am not sure actually. 5 -- 5668, 5669, 5670. It's all
24 right. Let's just go ahead.

25 BY MR. NACHT:

1 Q. Take a look at the document, please.

2 A. I've seen the document, thank you.

3 Q. All right. I just asked you if you blocked
4 the transfer. You said no?

5 A. Correct.

6 Q. Can you please explain this e-mail then?

7 A. I asked what the process would be for any
8 potential role that Abdullah would consider outside of
9 our team within Amazon.

10 Q. That's all you were doing?

11 A. Correct.

12 Q. Just asking about the process?

13 A. That's correct.

14 Q. You weren't trying to influence the result?

15 A. No.

16 Q. Did you make that clear to Mr. Simpson that
17 you were not trying to influence a result?

18 A. I don't believe Mr. Simpson was confused
19 on that point.

20 Q. What's the basis for that belief?

21 A. It's a longstanding policy at Amazon when
22 someone has a least effective performance rating two
23 straight years that they have to improve their
24 performance before they can move to another team at
25 Amazon. The only exception to that is if the VPs in

1 both organizations would agree to make an exception,
2 which I have never heard of at Amazon, so I was
3 confirming what the process would be here.

4 Q. Did Abdullah Haydar become someone you were
5 very comfortable with, someone you were very friendly
6 with?

7 A. I don't know how to answer that question.
8 I mean, I'm comfortable with everybody who works on
9 our team at Amazon and I wouldn't have felt any
10 difference about Abdullah than I felt about anybody
11 else.

12 Q. He wasn't a friend, right?

13 A. Most of the people that I work with, we
14 have a professional relationship and not a friend
15 relationship.

16 Q. What made you think that it would be
17 acceptable to tell a joke on one or more than one
18 occasion about Mr. Haydar's relationship with his
19 wife --

20 A. I did not.

21 Q. -- to a group of people?

22 A. I did not tell a joke about Mr. Haydar's
23 wife to a group of people.

24 Q. You pulled Abdullah Haydar out in front of
25 a group of people and you made some comment referencing

1 his marriage. Do you have a recollection of this or
2 not?

3 A. That's incorrect.

4 Q. Okay. What -- what did you do if you
5 remember?

6 A. We had a team social dinner in Ann Arbor,
7 and I remember making two toasts that evening.

8 Q. Where in Ann Arbor?

9 A. A pub and I'm not going to remember the
10 name.

11 Q. Irish pub on Main Street?

12 A. I actually don't remember at all.

13 Q. Okay.

14 A. I seem to remember micro beer, good food,
15 new place and we had our own room so we could have a
16 team social event.

17 Q. All right.

18 A. At the beginning of the evening, I toasted
19 two things: One was I toasted Dave Anderson
20 congratulations because he was about to leave and go
21 get married, and then I made a toast to Abdullah
22 thanking him for his big commitment to commute back
23 and forth between Detroit and Seattle in order to join
24 Amazon and -- and play a role on our team.

25 Q. When's the first time you spoke to a lawyer

1 about anything involving Mr. Haydar? While he was
2 employed?

3 A. Not that I recall. I think the first time
4 I would have met counsel on this topic would have been
5 my first meeting with you guys which --

6 MR. WOLFF: Are you including e-mail
7 correspondence in that question or no?

8 MR. NACHT: Thank you --

9 MR. WOLFF: I'm not sure if --

10 MR. NACHT: -- for clarifying.

11 BY MR. NACHT:

12 Q. Well, first of all, I'm including Amazon
13 in-house counsel, so...

14 A. I don't recall having any conversations
15 with any one Amazon in-house counsel about Mr. Haydar
16 while I was employed at Amazon.

17 Q. Okay. And there were some e-mail
18 interactions though, right?

19 A. I don't -- I don't recall.

20 Q. Okay.

21 (Exhibit No. 6 marked
22 for identification.)

23 THE REPORTER: Number 6.

24 MR. WOLFF: Can I have a copy?

25 He'll give me one. Thanks.

1 BY MR. NACHT:

2 Q. Directing your attention to Exhibit 6, you
3 sent an e-mail to Kanda and you cc'd Jennifer JoHanson,
4 June 10th, 2013, and then there was a follow-up e-mail.
5 This is Bates stamp 640.

6 Did you review this document before your
7 deposition?

8 A. I reviewed this document yesterday, yes.

9 Q. Okay. The document speaks for itself. Is
10 there anything you can add to provide context?

11 A. No.

12 Q. What was the off-site you referred to?

13 A. I had an off-site of my direct report
14 leaders in Detroit.

15 Q. You stated you got lots of feedback about
16 his behavior. I'd like you to identify which
17 individuals gave you feedback about his behavior and
18 what the behavior was.

19 A. It would have been --

20 MR. WOLFF: Stop for a second.

21 THE WITNESS: Sorry.

22 MR. WOLFF: Are you asking as of this point
23 in time or more generally? You're asking as of the date
24 of this e-mail?

25 BY MR. NACHT:

1 Q. On June 10th, 10:24, a.m., what did you
2 have in your mind when you said "I got lots of feedback
3 about his behavior"?

4 MR. WOLFF: Okay.

5 BY MR. NACHT:

6 Q. Both people and what they told you.

7 A. The -- the people would have been among
8 the group of leaders who were coming to participate in
9 the off-site, so they would have been my direct
10 reports or --

11 Q. Well, you used the phrase "would have" --

12 A. Yes. Sorry. They are.

13 Q. As you sit here, can you -- do you have a
14 recollection of comments that came to you?

15 A. I have a recollection of the feedback that
16 I received about Abdullah during this time, yes.

17 Q. Okay. First, give me a list of everyone
18 that you're saying, I remember, I got a feedback --
19 feedback from this person in June or May of 2013 about
20 Abdullah Haydar. Let's just have a list of those
21 people.

22 A. I can't give you a list because I'm not
23 going to be able to remember the specific people four
24 years ago.

25 Q. Okay.

1 A. I do remember the specific feedback.

2 Q. Well, sometimes we form perceptions in our
3 mind and we think we've heard it from other people but
4 it in fact it's our own perception. Sometimes we form
5 perceptions in our mind from other people and we think
6 we came up with it ourselves.

7 Do you have any contemporaneous notes from 2013
8 that would help us identify who gave you feedback about
9 Abdullah Haydar before June 10th, 2013, that influenced
10 your views?

11 A. Sorry. Can you clarify the question?

12 Q. Notes.

13 A. Do I have any notes --

14 Q. Yeah.

15 A. -- from these discussions, no, I don't.

16 Q. Okay.

17 A. I did initially propose adding Abdullah to
18 the off-site because I wanted to be inclusive of him
19 and I wanted to make this an opportunity for him to
20 listen and learn and see how we put the leadership
21 principles in -- in -- into production, and I was very
22 disappointed after we had made the effort to invite
23 him and include him that a number of people came up to
24 me and strongly disagreed that this would end up being
25 a productive session if he were participating.

1 Q. But you can't tell me today who any of
2 those people were with any certainty?

3 A. They would have been people who would have
4 been included in this meeting and they would have been
5 my direct reports and the senior leaders of the team.

6 Q. But as you sit here today, you can't
7 remember Mr. Mosby came to me and told me X or
8 Mr. Saxena or Mr. Acint (phonetic). You don't have
9 that recollection, you're just guessing, right?

10 A. I'm not guessing. I invited Abdullah to
11 the meeting, and the only thing that would have caused
12 me to change my mind is feedback from senior leaders
13 concerned about his participation and concerned about
14 his behavior. I do listen to the leaders on my team
15 and I tried to respond to their feedback.

16 Q. Can I see the exhibits, please? The other
17 exhibits.

18 A. (Witness complies.)

19 Q. I want to direct your attention to
20 Exhibit 4. What is the date Abdullah Haydar e-mailed
21 you?

22 A. June 9th.

23 Q. Now, directing your attention to Exhibit 6,
24 when did you suggest to Kanda that Abdullah Haydar not
25 attend the off-site?

1 A. Monday, June 10th.

2 Q. You just said, The only thing that would
3 have changed my mind would have been I would have heard
4 from other people, but I'm wondering if it was your
5 reaction to the e-mail from the day before that might
6 have affected your opinion?

7 A. No.

8 Q. Besides Mr. Haydar, has anyone ever
9 complained internally about your decisions which
10 resulted in an investigation?

11 A. Has -- to make sure I clarify the
12 question.

13 Q. An internal investigation?

14 A. Has there ever been an internal
15 investigation besides Mr. Haydar's?

16 Q. About someone who was underneath you where
17 they were complaining in part about your decisions?

18 A. I'm not aware that that was the complaint
19 in -- in -- in Abdullah's complaint, I'm not aware
20 that it's about that. But no, I'm not aware of any
21 investigations or complaints about my decisions.

22 Q. How did it feel? You knew there was an
23 investigation. You knew you were interviewed. How did
24 it feel?

25 A. I don't know how to answer the question.

1 Q. How did you feel at the time about
2 participating in an investigation whether you believed
3 yourself to be a subject of it or not?

4 A. I think as we talked about the judicial
5 process, I believe it's also important for companies
6 to have good processes internally as well. So I'm
7 supportive of -- I would say broadly I'm supportive of
8 processes where employees get to raise concerns and
9 there's independent investigators.

10 Q. But there's a difference between it being
11 theoretical and it being about us. That's just human.
12 It's normal. I mean I'm sure when you got notified
13 that you had been sued in this case, you didn't go,
14 Yippee, the United States judicial system is working.
15 I mean, it's a normal feeling to go, Ugh, I've been
16 attacked. I feel like this is unfair. That's --
17 that's normal. It's human.

18 And so my question is: If you can put yourself
19 back to the time, okay, there's an investigation,
20 Shelly Cerio sent it out to someone else. Did you know
21 that person, DeCleene?

22 A. No.

23 Q. So DeCleene interviewed you, right?

24 A. She did.

25 Q. Did you have any feelings about it at the

1 time or just another meeting?

2 A. I mean, it's an important part of our
3 company process and our company ecosystem, so I don't
4 have any feelings other than that.

5 Q. Okay. Just so we're clear, you never
6 remember anyone talking in any OLR or at any other
7 point, whether it's Gaw or Mosby, Joudrey, anyone
8 talking about Abdullah's ability to hire a team?

9 A. I don't recall discussions on that topic.

10 Q. Is there anything actually you can recall
11 about Abdullah Haydar that's positive?

12 A. I, at the request of Abdullah, did a
13 introductory one-on-one meeting when he first joined
14 Amazon and I thought we had a terrific discussion. I
15 had a very favorable impression, and so that's one.

16 Q. Anything else?

17 A. I really -- I'm not familiar enough with
18 his performance to be able to identify the strengths
19 and weaknesses of his performance at Amazon. I am
20 familiar with his performance ratings, and obviously
21 as we've discussed, those were very concerning, but
22 I -- I see, and our process throughout those two years
23 was focused on the good in people and how do we help
24 them improve, and I feel like we made a very big
25 effort to try to help Abdullah perform.

1 Q. If you had input into the performance
2 ratings, then the performance ratings are not simply
3 independent variables that can determine your
4 perception of Abdullah Haydar?

5 A. That's incorrect. I did not have input
6 into the performance ratings, and I don't for anyone
7 who doesn't report to me directly. The manager of the
8 person determines those performance ratings.

9 Q. At what point did Mr. Mosby share with you
10 that he did not think Mr. Haydar was going to last at
11 Amazon?

12 A. I don't think Mr. Mosby ever shared such a
13 thought with me.

14 Q. At what point, if ever, did Mr. Simpson
15 share that thought with you?

16 A. I believe the only time that discussion
17 would have come up is when Abdullah failed to meet the
18 performance criteria in his performance improvement
19 plan. I think that was the -- that was the first and
20 only time I remember having a discussion about the
21 performance improvement plan as failing.

22 Q. Was it just the two of you or was it with
23 Beary or someone else?

24 A. I don't -- I don't recall.

25 Q. Was it in person?

1 A. I don't recall. I know Ian and Mike and
2 Derek and Garret were very involved and I don't
3 remember how they would have updated me.

4 Q. Do you remember Garret Gaw ever sharing
5 with you any thoughts about Abdullah Haydar ever?

6 A. No, not with me personally.

7 THE WITNESS: Just planting the seed ahead of
8 time, when it's convenient between topics, I would like
9 another bio break, but I don't want you to interrupt you
10 if you're in the middle of a particular area that you
11 want to focus on.

12 MR. NACHT: Take it. Take it.

13 THE VIDEOGRAPHER: We're now going off
14 record. The time is 11:18 a.m.

15 (Recess 11:18-11:29.)

16 THE VIDEOGRAPHER: We're now back on the
17 record. The time is 11:29 a.m.

18 (Exhibit No. 7 marked
19 for identification.)

20 MR. NACHT: Could you hand the witness what's
21 been marked as Exhibit 7, please.

22 MR. WOLFF: Oh, so if he has it, that's my
23 copy.

24 THE WITNESS: Okay. Sorry.

25 MR. WOLFF: Thanks.

1 EXAMINATION (Continuing)

2 BY MR. NACHT:

3 Q. So the first page of Exhibit 7, again, this
4 was produced by Amazon. It's Bates stamped 3649 to
5 3656 and the first page states that this is a
6 Marketplace leadership OLR, February 10th, 2014, and it
7 says, "Roxanne 05200 notes from Q1, 2015 Marketplace
8 OLR."

9 Who is Roxanne?

10 A. Roxanne is a building name.

11 Q. Got it. Oh, it's a place?

12 A. It's a place.

13 Q. And a song?

14 A. 05200 is the room.

15 Q. Got it. And directing your attention to
16 3651, L7 discussion.

17 A. Got it.

18 Q. And it says, "Abdullah Haydar was doing
19 better but recently fell off the bus," in quotes "and
20 is being managed out. How do we ensure his team
21 leadership structure is prepared for him leaving the
22 company? Issues in earns trust, disagree and commit
23 and vocally self-critical. We are working on coaching
24 him out."

25 Do you remember a discussion that contained that

1 content?

2 A. I believe -- this is -- this is not
3 consistent with my recollection of the discussion.

4 Q. Okay. And what's inconsistent about what's
5 written on Bates stamp 3651, Deposition Exhibit 7 for
6 Faricy with your recollection, sir?

7 A. What I recall is the beginning of this is
8 correct. In the midyear OLR, Abdullah was identified
9 as someone who had made improvement, but in this
10 yearend OLR was identified as someone who was least
11 effective for the entire year, and I believe it's
12 inaccurate to say is being managed --

13 Q. I'm sorry, the word you just used, was it
14 "accurate" or "inaccurate"?

15 A. It's -- what's written here is incorrect
16 about being managed out. What I recall in the
17 discussion was anyone who has achieved least effective
18 performance ratings for two years in a row
19 automatically goes on a performance improvement plan.

20 Q. How -- do you know who makes these notes as
21 a general practice?

22 A. I don't. The first time I saw the notes
23 was -- was yesterday.

24 Q. Is there an admin person in the room to
25 take notes?

1 A. I don't know.

2 Q. Whose job is it to take notes? An admin or
3 human resources? Who takes the notes?

4 A. I don't know.

5 Q. It's your meeting, right?

6 A. It's actually a meeting led by the HR
7 team.

8 Q. Okay.

9 A. Which I participate.

10 Q. So take your time. Read the document
11 because you read it yesterday. Is there anything else
12 in this document that is inconsistent with your memory
13 besides what you just testified to?

14 A. (Witness complies.)

15 MR. NACHT: Can you read the question to the
16 witness, please?

17 (Question on Page 141, Lines 11
18 through 13, read by the
19 reporter.)

20 THE WITNESS: I did not notice anything else
21 that's inconsistent.

22 BY MR. NACHT:

23 Q. And this, as far as you're aware, is a
24 regular business record of Amazon?

25 A. I don't -- I don't believe that it is. I

1 don't know what this is. Until seeing the notes
2 yesterday, I haven't seen notes like this before.

3 MR. NACHT: Counsel, do you happen to know
4 and want to share who wrote this thing?

5 MR. WOLFF: I -- I don't know who wrote it.
6 I think it's somebody attached to HR, but I don't know
7 who or a title.

8 MR. NACHT: Thanks.

9 MR. WOLFF: Okay.

10 BY MR. NACHT:

11 Q. Okay. Do you have any contemporaneous
12 notes from this meeting which have a different account?

13 A. No.

14 Q. This meeting happened two and a half years
15 ago or so, three and a half years ago?

16 A. Three and a half years ago.

17 Q. Three and a half years ago. If you don't
18 have contemporaneous notes and everything else in the
19 document is consistent with your memory, what is it
20 that jumps out at you that makes the part about
21 Abdullah Haydar inconsistent with your recollection?

22 A. My -- my understanding of our policy that
23 we apply for any employee who's least effective rating
24 for two years in a row is that they automatically go
25 on a performance improvement plan, period. So I don't

1 recall there being a discussion about anything else
2 other than that in the meeting.

3 Q. The OLR sets the rating for the person,
4 right?

5 A. No. The manager of the employee sets the
6 rating for the employee.

7 Q. Following the discussion at the OLR?

8 A. Incorrect. That's not accurate.

9 Q. Your company, not mine. Can you explain it
10 to me, please?

11 A. Managers set the rating for the employee's
12 performance review prior to the OLR that would roll up
13 to me.

14 Q. And then?

15 A. And then that performance rating is shared
16 during the discussion about the performance of all the
17 different people on our team.

18 Q. And it would be unusual to alter the final
19 performance rating as a result of the OLR?

20 A. It's -- it's -- it's possible that could
21 happen based on a discussion of people who would know
22 the candidate, know the employee well in the room.

23 Q. But it would be unusual?

24 A. I think it's pretty rare, yes.

25 Q. And can you think -- if Mr. Joudrey's notes

1 are correct and that happened in the case of Abdullah
2 Haydar, can you think of any other example?

3 A. I don't know that Mr. Joudrey's notes are
4 correct.

5 Q. Can you think of any other person where it
6 happened?

7 A. I don't -- I think the -- the context of
8 the discussion is Mr. Mosby was the manager for
9 Abdullah during the previous OLR we discussed, and
10 Mr. Mosby would have made the recommendation of what
11 his rating is and that includes prior to the OLR and
12 that would include during the OLR.

13 Q. In 2015 after the OLR before Haydar was
14 terminated, are you aware of any issues that arose that
15 provided grounds for discharge?

16 A. I'm sorry. Can I go back one question?

17 Q. Sure.

18 A. The notes in front of me here show
19 a date --

20 Q. You're looking at Exhibit 7 --

21 A. I'm looking at Exhibit 7.

22 Q. -- Page 3640 -- Bate stamped --

23 A. Yes.

24 Q. -- 3649?

25 A. Yes. I think the date on here looks like

1 it's inaccurate. It says notes from Q1 2015
2 Marketplace OLR. That would not have taken place in
3 February of 2014. So I think this is another -- I
4 guess this would be another thing that I see on here
5 that looks inaccurate on here. I'm guessing the
6 actual date was February 10th, 2015, because that
7 would be the Q1 2015 OLR.

8 Q. Thank you. That makes sense. In which
9 case it was two and a half years ago, not three and a
10 half years ago?

11 A. Correct.

12 Q. Okay.

13 A. And I'm sorry; I interrupted your
14 question. Would you mind repeating it again?

15 MR. NACHT: Connie, thank you.

16 (Question on Page 144, Lines 13
17 through 15, read by the
18 reporter.)

19 THE WITNESS: My understanding of the process
20 after the OLR is the performance review was delivered to
21 Abdullah and that Derek and Garret worked with Abdullah
22 on a performance improvement plan and engaged in a
23 process to help Abdullah turn around his performance and
24 be successful.

25 BY MR. NACHT:

1 Q. Did you have any conversations with Derek
2 Oehler or e-mails with Derek Oehler about Mr. Haydar
3 that you can recall?

4 A. No.

5 Q. Your contact was Beary in 2015?

6 A. Mike was my -- my HR leader, correct.

7 Q. And Simpson was between you and Gaw?

8 A. That's correct.

9 Q. Joel Mosby, do you know the guy?

10 A. I do know Joel Mosby.

11 Q. He was with the SSA team for a while. Do
12 you remember that?

13 A. I'm not familiar with SSA team, but he's
14 certainly been on the Marketplace team the entire time
15 he's been at Amazon.

16 Q. He supervised a manager named Brian Powell?

17 A. I don't -- I don't know.

18 Q. You've never heard the name Brian Powell?

19 A. I have not.

20 Q. Do you remember that Joel's team was not
21 meeting project and operational goals in 2011, 2012?

22 A. I don't.

23 Q. Do you remember expanding Joel Mosby's
24 responsibilities in 2013 with the OLP team?

25 A. I didn't.

1 Q. Who did?

2 A. Whoever was responsible for Joel and that
3 part of our business.

4 Q. Did you approve putting Mosby in a position
5 to manage other L7s including Mr. Haydar?

6 A. I don't believe there would have been a
7 need to ask me for approval and I wouldn't have
8 participated in the process.

9 Q. Were you aware of what was going on with
10 the seller central team in 2014?

11 A. Can you be more specific?

12 Q. Yes. For a time it was not meeting project
13 operations or hiring goals, right?

14 A. I don't know that to be true.

15 Q. You've testified you weren't aware of
16 Haydar's goal performance, right?

17 A. That would be accurate. I'm aware of
18 the -- of the performance rating he received which I
19 believe was achieves and achieves the two years for
20 his -- for his performance rating. I would be aware
21 of that, but I'm not aware of his goals and
22 performance against those goals.

23 Q. Why reorganize him in December '14 if you
24 were not aware of Haydar's performance?

25 A. I didn't reorganize him.

1 Q. Who did?

2 A. I don't know.

3 Q. You believed Mosby to be doing well in
4 2014?

5 A. Yes.

6 Q. Are there particular things that occurred
7 under his watch that you remember that gave you that
8 opinion?

9 A. I wouldn't have been close enough -- close
10 enough to his performance other than the feedback I
11 received from Avi Saxena who he worked for.

12 Q. Did you ever hear anything from Stefan
13 Haney about Mr. Haydar?

14 A. Yes.

15 Q. Tell me, please.

16 MR. NACHT: Assume -- please, give me a
17 continuing please for all of my questions, Counsel.

18 THE WITNESS: Noted.

19 I recall only one conversation, and I recall
20 Stefan indicating that there was a large problem in the
21 organization with what should have been a routine
22 transfer of an employee and that trust was broken and
23 teams were not -- were not able to work with Abdullah
24 effectively.

25 BY MR. NACHT:

1 Q. Who did Stefan report to at the time he
2 told you that?

3 A. I don't recall. Yeah, I don't recall.

4 Q. He didn't report to you directly?

5 A. I don't recall the timing. There was a
6 period of time that he did report to me, but there was
7 a longer period of time he reported to either Mark
8 Mitchke or other folks on our team, so it could have
9 been -- I don't know which time period it was.

10 Q. Did that affect your assessment about
11 Haydar's performance?

12 A. It sounded like a relatively trivial issue
13 that I would have expected the leaders on my team to
14 handle with ease and joy. I was disappointed to hear
15 that something as routine as an employee transfer
16 would erupt into something that sounded like it was a
17 bigger problem on our team, and I was disappointed
18 that that could happen.

19 Q. Were you frustrated with Mosby?

20 A. I want our team focused on serving
21 customers and innovating. Anytime I hear that our
22 team is focused on not being able to work well
23 together, it means that they're not focused on serving
24 customers and innovating. And anyone who would have
25 been not serving customers and innovating, I would

1 have -- I would have want them to focus on serving
2 customers and innovating.

3 Q. Haney was on the business side in Detroit,
4 right?

5 A. No, that's not correct.

6 Q. What side was he on?

7 A. He was a product leader here in Seattle.

8 Q. He was a product leader here in Seattle and
9 he was getting technical needs met by Mosby's people in
10 Detroit?

11 A. I don't know that. I don't -- I don't
12 remember the -- which teams were owned by whom and who
13 they were working together.

14 Q. Well, at some point did you become aware
15 that Abdullah Haydar was on a team, was a manager of a
16 team under Mosby's leadership and that it was Haydar
17 who wanted the transfer of the employee? Did someone
18 make you aware of that?

19 A. I became aware that the perception of
20 Stefan was that Haydar had broken trust and lost trust
21 with the product and technical teams that he was
22 required to work with over this transfer of the
23 employee, and that's about the extent of my
24 understanding of the situation.

25 Q. If Haydar reported to Mosby and Mosby

1 reported to Simpson and Haydar is not in that chain of
2 command, did you direct Simpson or Mosby, Deal with
3 this?

4 A. I would have -- I would have made sure
5 that Ian Simpson was aware of it and I would have
6 asked him to get involved and resolve it so that the
7 teams could get back to focusing on customers and
8 innovation. And I -- and I -- that was the only
9 participation in that event I had. I don't want to be
10 involved in that event. I want to know that people
11 are going to focus on serving customers and focusing
12 on innovation.

13 Q. You never asked Abdullah Haydar his side of
14 the story?

15 A. I didn't ask Abdullah Haydar his side of
16 the story or anybody else their side of the story.

17 Q. Did it assess -- did it affect -- the
18 hearing that from Haney, did it affect your assessment
19 as to whether Abdullar -- Abdullah Haydar was failing
20 to work his way effectively out of the performance
21 improvement plan?

22 A. I don't know the timing.

23 MR. WOLFF: Objection.

24 THE WITNESS: Sorry.

25 MR. WOLFF: Go ahead.

1 THE WITNESS: Were you going to say
2 something?

3 MR. NACHT: You think it assumes a chronology
4 that's not right?

5 MR. WOLFF: Yeah, but I think he was
6 addressing that.

7 THE WITNESS: I was going to say the same
8 thing. I don't think that chronology is right, but...

9 BY MR. NACHT:

10 Q. Okay. When did you hear about this from
11 Haney?

12 A. I -- it would have been after -- after the
13 incident blew up into this problem, but I don't -- I
14 don't recall the timing.

15 Q. But before performance improvement plan?

16 A. Yes, that's my recollection.

17 Q. Around the time of the OLR that we just
18 read the notes about?

19 A. I don't think so.

20 Q. You think it was before that?

21 A. I do.

22 Q. So you went into the OLR in early 2015 with
23 that incident in your head?

24 A. Incorrect.

25 Q. Okay. Why?

1 A. Because I wouldn't come into an OLR
2 thinking about an incident that happened a couple
3 months ago as a primary piece of input into discussing
4 the talent of our team.

5 Q. Haney was with Amazon for a number of years
6 and you actually saw him a fair amount in 2015, right?

7 A. I think you asked how many times would I
8 have interacted with him in 2015. I don't remember
9 the number I gave earlier, but I would have seen him
10 more than five times that year, yes.

11 Q. And you had known him a number of years?

12 A. Correct.

13 Q. Haney -- let me ask you this: If Haney's
14 perception that Haydar was a real problem and that it
15 was impairing the effectiveness of the team's working
16 together, if that was going to be an -- an issue that
17 was significant in affecting Abdullah Haydar's ratings,
18 that one incident, then it should have been
19 investigated to get Haydar's side of the story, right?

20 A. I don't know that that incident had any
21 impact on Abdullah's ratings.

22 Q. Okay. And since it's just one incident
23 from one peer, it wouldn't strike you as it ordinarily
24 would?

25 MR. WOLFF: Objection. Form. I didn't

1 understand the question.

2 THE WITNESS: Could you clarify the question?

3 MR. NACHT: Could you please repeat it?

4 Thank you.

5 (Question on Page 153, Lines 22
6 through 24, read by the
7 reporter.)

8 THE WITNESS: I don't know what "ordinarily
9 would" means.

10 BY MR. NACHT:

11 Q. In -- in determining the performance rating
12 of an L7?

13 A. I don't determine the performance ratings
14 for L7s on our team, and I don't know whether Joel
15 Mosby would have used this incident as an input into
16 his performance ratings for Abdullah.

17 Q. One way in which unconscious bias can
18 affect us is that we are less patient about a
19 particular behavior in a person from a particular
20 background than we might be with the identical behavior
21 in a person from different backgrounds?

22 A. I don't know that to be true. Are you
23 asserting that?

24 Q. I'm -- it's a perfectly reasonable
25 response.

1 You've never noticed that in other people?

2 A. We don't label people on their
3 backgrounds.

4 Q. Not Amazon, just you in life as an American
5 for the last 50 years. You've never noticed that
6 sometimes people just hear -- hear the same words or
7 see the same conduct? How about gender? You ever
8 notice sometimes that younger employees in particular
9 may have a harder time hearing something from a female
10 boss than from a male boss? Isn't that something
11 you've noticed as a manager over the years?

12 A. No, no. I think -- I think your -- your
13 description of stereotypes is completely inappropriate
14 in a professional environment. We focus on people for
15 who they are and we treat people like we would want to
16 be treated, and I want people not to label me. I want
17 them to value me for who I am and the contribution I
18 make, and that's how we think about people. We don't
19 think about them per labels.

20 Q. But how do we root out unconscious bias if
21 we're not at least aware that it exists? You -- you --
22 you talked about an awareness of it.

23 A. Well, I -- I view unconscious bias as
24 being different than the comment you made a minute ago
25 that sounded to me derogatory about women leaders or

1 something. That's how I interpreted your comment.

2 Q. No, no, no, no.

3 A. Okay.

4 Q. My point is -- is exactly the opposite,
5 it's that -- is that it's harder sometimes for younger
6 employees to hear with patience and respect the exact
7 same words from a woman as they do from a man
8 sometimes?

9 A. I disagree.

10 Q. You've never seen this --

11 A. I think --

12 Q. -- phenomenon?

13 A. I think the statements you're making to me
14 sound outrageous. We don't judge people on their age.
15 We don't judge people on their gender. We judge
16 people for who they are and their performance against
17 the leadership principles, period.

18 Q. Have you ever seen an example of someone
19 making a comment about someone and you thought they
20 were being -- they were just out of line?

21 A. In my time at Amazon?

22 Q. Yeah.

23 A. No.

24 Q. How many years have you been there?

25 A. 11.

1 Q. And you've never heard anyone talk about
2 someone in a way that you felt, Gee, I feel like
3 they're bringing bias into the situation?

4 A. One of the reasons I love Amazon and I
5 really love how -- the fit for me -- for the -- for
6 the culture being a fit for me is it's not political.
7 People focus on the individual. They focus on what
8 that person can contribute. People don't talk about
9 other people like you're describing. To me that has
10 no place in a professional environment. It may exist
11 in other professional environments, but it's
12 completely unacceptable for that to exist in our kind
13 of environment.

14 People may disagree about how best to serve
15 customers, but people don't talk about each other in a
16 way that you're describing.

17 Q. So the question is, if there exists a thing
18 called unconscious bias then -- and we don't talk about
19 the ways in which unconscious bias may affect the way
20 certain people view other people through a lens, then
21 how do we eliminate unconscious bias?

22 MR. WOLFF: Objection. It seems awfully far
23 afield of any facts that are in dispute in this case or
24 any factual dispute that's likely to lead to the
25 discovery of admissible evidence.

1 Do you have an opinion of how we deal with
2 unconscious bias if we don't acknowledge that it exists?

3 THE WITNESS: Well, the -- the -- no, I don't
4 have an opinion. The step I took was to bring in the
5 person who's an expert on unconscious bias and have them
6 meet and present to my leaders, and we were the first
7 leadership team to do that at Amazon, and I think that's
8 a -- that's a step in the right direction.

9 But your question sounds very broad and very
10 ambiguous about something that's -- I think you called it
11 earlier an issue that exists across all human beings, so
12 I can't really comment on how to solve it across all
13 human beings.

14 BY MR. NACHT:

15 Q. How many direct reports do you have?

16 A. 11.

17 Q. And how many of them are women?

18 A. Three.

19 Q. And how many of them are people of color?

20 A. I -- I don't know the answer to that.

21 Q. If you created an impression among
22 Mr. Mosby and Mr. Gaw that you thought someone was not
23 a good fit for Amazon, do you think they would listen
24 to that and take that seriously?

25 A. I wouldn't create such an impression.

1 Q. Creating an impression inherently involves
2 affecting someone else's state of mind, right?

3 A. I haven't thought about what an impression
4 is very deeply but that sounds reasonable.

5 Q. Remember we were talking about car
6 accidents earlier?

7 A. Yes.

8 Q. And I said a person in a deposition might
9 say, I would never cause a car accident?

10 A. I remember you saying that, yes.

11 Q. And I want to go back to that. If I were
12 to ask you directly, Would you ever have a car accident
13 in the future, what's your answer?

14 A. I would not like to have a car accident in
15 the future.

16 Q. Right. But you can't state under oath that
17 you would never have a car accident in the future,
18 right?

19 A. You can't state under oath a prediction
20 about the future, correct.

21 Q. You also could state, you could state your
22 opinion that you never intentionally caused a car
23 accident, right?

24 A. I guess you're losing me a little bit
25 here. The car accident doesn't seem like an analogy

1 that I understand very well.

2 Q. Okay.

3 A. So opinions don't -- opinions don't cause
4 car accidents, so I can't really relate to that.

5 Q. Okay. I know you've got great analytical
6 skills so what I'm asking here is not very complicated.
7 I'm sure your analytical skills vastly exceed my own.

8 We know that in a population there are going to
9 be a certain number of car accidents, right?

10 A. We know that there will be car -- we
11 believe there will be car accidents every year, yes.

12 Q. Until all of our cars are run by you guys.
13 So we also know that except for a few very
14 strange people, people aren't trying to create car
15 accidents, right?

16 A. Correct.

17 Q. But a person may have experienced some car
18 accidents which they view as not their fault, right?

19 A. Someone could be in a car accident and
20 view the car accident as not their fault, yes.

21 Q. And someone else, the other person in the
22 other car or a police officer or a witness may think
23 it's their fault, right?

24 A. I don't -- I don't want to speculate on
25 hypotheticals, but...

1 Q. Well, I'm asking you to, so I'm asking
2 you --

3 A. I think that sounds theoretically
4 possible, yes.

5 Q. Okay. You ever been in a car accident,
6 sir?

7 A. Yes, I have.

8 Q. Okay. Was it your fault?

9 A. I don't recall.

10 Q. Okay.

11 A. I don't believe so.

12 Q. Did you hit someone from behind?

13 A. No.

14 Q. Okay. Someone hit you from behind?

15 A. No.

16 Q. You go off the road?

17 A. No.

18 Q. All right. I don't really care about your
19 car accident. But you didn't think it was your fault?

20 A. I don't -- I don't remember thinking it
21 was my fault, correct.

22 Q. And if I asked you what kind of a driver
23 you are, you might say, I'm a really good driver. In
24 fact, is that what you would say?

25 A. I would say I'm a good driver, yes.

1 Q. Yeah. It's very rare to meet someone who
2 says, I'm a pretty lousy driver. Bias exists in the
3 population, we discussed that?

4 A. You -- you believe that, yes.

5 Q. You believe it too?

6 A. I -- I believe there is unconscious bias,
7 yes.

8 Q. And there is some people with intentional
9 bias out there, right?

10 A. I believe that might be true, yes.

11 Q. You think it might be true or you think
12 it's true?

13 A. I can't speak for those people, so it's
14 hard for me to say what's on their mind and how
15 they're feeling.

16 Q. Well, you have an opinion -- you have an
17 opinion about what customers think? I mean, this is
18 what you do for a living in part, correct?

19 A. That is what I spend my time on. My
20 opinion is on what's important to customers and how do
21 we innovate. That's the time I spend. I don't spend
22 my time thinking about car accidents --

23 Q. Or bias?

24 A. -- for sure.

25 Q. Or bias?

1 A. I don't know. I -- I -- I don't think of
2 people as bias. I think of people as people and I
3 think about what they bring and what they're capable
4 of doing.

5 Q. Has it -- let's just stick with the gender
6 thing for a moment because I don't think you understood
7 what I was asking before based on your reaction.

8 Let's take your entire professional career. Not
9 just Amazon. You can't think of a single incident
10 where some male reacted to something that a woman said
11 or did and you had the impression, I think he's
12 reacting that way in part because of her gender?

13 MR. WOLFF: Objection.

14 You can answer it if you can.

15 THE WITNESS: No. That seems like a silly
16 scenario. I mean, I wouldn't -- I wouldn't think of
17 someone's reaction as ever being based on gender. That
18 seems -- I don't know. It doesn't seem focused on who
19 the person is. I view people for themselves as
20 individuals not for their gender or their reaction to
21 gender.

22 BY MR. NACHT:

23 Q. I've heard you say that --

24 A. Yeah.

25 Q. -- and I appreciate that you would find it

1 outrageous that someone else would think that.

2 A. Yes. And I don't think about other people
3 thinking that.

4 Q. That's -- that gets at exactly what I was
5 trying to ask about. Now we're there.

6 You manage a team of people and there is bias in
7 the population whether it's unconscious or conscious.
8 Don't you go through an annual online training about
9 bias?

10 A. Yes.

11 Q. Isn't one of the things you've learned from
12 that online training that to be sensitive to the
13 possibility that bias could be influencing
14 decision-making, we need to sometimes ask questions?

15 A. Can you be more specific?

16 Q. Sure.

17 If Haydar presents data that contradicts the
18 assessment of his performance, isn't it the company's
19 job to independently look into the validity of his
20 data?

21 A. I'm not aware of any data of Abdullah's
22 performance that's contrary to the two performance
23 ratings that he received while he was at Amazon.

24 THE WITNESS: I'm just planting the seed.
25 I'm not going to interrupt your topic. But on the

1 transition to the next topic, I would love to have a bio
2 break, please.

3 MR. NACHT: Take it.

4 THE WITNESS: Okay.

5 THE VIDEOGRAPHER: We're now going off
6 record. The time is 12:16 p.m.

7 (Recess 12:16-12:37.)

8 (Exhibit No. 8 marked
9 for identification.)

10 THE VIDEOGRAPHER: We're now back on the
11 record. The time is 12:37 p.m.

12

13 EXAMINATION (Continuing)

14 BY MR. NACHT:

15 Q. Directing your attention to what's been
16 marked as Faricy Exhibit 8, do you recognize this
17 document, sir?

18 A. I do.

19 Q. It's Bates stamp 415 and runs through 419.
20 Did you review this yesterday?

21 A. I did.

22 Q. And these are Anne DeCleene's notes of her
23 interview with you?

24 A. Yes.

25 Q. And you told her the truth, right?

1 A. Correct.

2 Q. You took it seriously?

3 A. Correct.

4 Q. Did she accurately report what you said?

5 A. I don't have any reason to believe she
6 didn't.

7 Q. I want to ask you about some things in this
8 document. But before I do, Stefan Haney, his office
9 was right next to your office in Seattle for a couple
10 of years, right?

11 A. No.

12 Q. Was it close to your office?

13 A. We were on the same floor in 2009 and I
14 believe part of 2010, but in the building of Varzea he
15 was never sitting close to me and never sat close to
16 me in -- in Amelia either, the building we're in now.

17 Q. All right. Looking at Bates stamp 419, the
18 last page, the letter E about 12 lines down: "Do you
19 think Abdullah can be successful long term at Amazon?

20 "Answer: No.

21 "Would you feel comfortable or uncomfortable if
22 he were to transfer to another team?

23 "Definitely not."

24 You have no reason to believe that she
25 mischaracterized what you said, correct?

1 A. Correct. This interview took place
2 3/31/2015, yes.

3 Q. Abdullah Haydar had not yet been put on a
4 performance improvement plan, right?

5 A. I don't know what -- what the date of his
6 performance improvement plan was.

7 Q. When was Abdullah terminated?

8 A. I don't know.

9 Q. I thought that you had an open mind as long
10 as he was on a performance improvement plan, that if he
11 did a good job he could get off of it and remain at
12 Amazon?

13 A. That is correct.

14 Q. Why didn't you say that?

15 A. That wasn't the question I was asked.

16 Q. What was -- the question you were asked,
17 how is that different?

18 A. It's very different. The question here
19 was, "Do you think Abdullah can be successful long
20 term at Amazon?" When I see two straight years of
21 least effective performance ratings across, in my
22 opinion, a fairly large number of leaders that he
23 worked with and knew him well, that doesn't sound like
24 a very positive indicator from that data about his
25 ability to be successful long term at Amazon.

1 Q. Let's move on. Thank you.

2 I want to talk about how you built teams. You
3 took over Marketplace when or did you create
4 Marketplace?

5 A. No, I took it over in I believe 2009.
6 That date may not be accurate, but it would be worth
7 checking, but I think it's 2009.

8 Q. How many teams were there?

9 A. I don't remember how many teams.

10 Q. Ballpark?

11 A. There was -- if people is helpful, there
12 was 40ish people.

13 Q. 40?

14 A. 4-0.

15 Q. And ballpark how many now?

16 A. 18,000.

17 Q. The number of people has increased
18 dramatically?

19 A. Correct.

20 Q. Is it the fastest growing part of the
21 company?

22 A. I don't know that. It is a -- it is a
23 fast growing business, that I can say.

24 Q. So we've got the identification of a -- of
25 an idea. Let's provide a marketplace for buyers and

1 sellers to interact, right, that's the main concept?

2 A. Yes.

3 Q. And then the sub ideas, books, books and
4 movies, clothing, these kinds of products, those kinds
5 of products a couple years ago or you went into, what,
6 household products? You keep expanding the
7 Marketplace, the store is essentially offering the
8 auction house or the flea market is having different
9 sections in it where different kinds of items are sold.
10 Is that a fair analogy?

11 A. I -- I -- I don't think the
12 characterization -- you may have been trying to be
13 funny -- of flea market is correct. It would also not
14 be fair to say that the product categories have
15 expanded. The core product categories were there when
16 I took over this role. So books, music, movies, soft
17 lines, hard lines, consumables.

18 What you may have been referring to is we have
19 launched new marketplaces, and I think what you're
20 referring to was this launch of Amazon Home Services
21 which is a marketplace for services. So we have
22 expanded the number of marketplaces we offer
23 consumers.

24 Q. A flea market is, I guess, used goods and
25 these are new goods. But you also sell used goods,

1 too, right?

2 A. We sell new and used goods, new and used
3 products on Amazon, yes.

4 Q. So I was trying to imagine some physical
5 geographical place where buyers and sellers interact
6 rather than it just being the place is a reseller, a
7 distributor such as a store where the transaction is
8 between the consumer and the -- the store. I wasn't
9 trying to be funny. I was trying to just imagine where
10 do you go where some people are buying and some people
11 are selling, but it's a physical geographical place and
12 maybe there isn't a good analogy.

13 What's the best analogy you can come up with?

14 A. I don't think there is a good analogy.
15 It's unique because e-commerce doesn't have a physical
16 store limit, and so we have, you know, unlimited shelf
17 space for entrepreneurs and small businesses to reach
18 customers all over the world. It's awesome.

19 Q. And what are soft goods and what are hard
20 goods and what are consumables?

21 A. Consumables are beauty products, toiletry
22 products. Hard lines are any hard goods like toys,
23 sporting goods, electronics. Soft lines includes
24 apparel, shoes, luggage, et cetera.

25 Q. And why does it make sense to break it out

1 into those three categories?

2 A. I don't know whether it does make sense to
3 break it out that way, but I wanted to address your
4 assertion that we had added those categories since I
5 took over. That would be incorrect. Those categories
6 existed on the Amazon Marketplace when I took over the
7 business.

8 Q. Okay. And the expansion has been partly
9 geographical to expand the sellers from different
10 countries?

11 A. Yes.

12 Q. And part of the expansion has been in
13 providing an additional technological services to make
14 the transaction easier for both seller and buyer?

15 A. I think broadly that's -- that would be
16 accurate, yes.

17 Q. How else? I mean, you've gone from 40 to
18 18,000 so there are a whole lot of people doing stuff.
19 What -- what else -- does everything they do fit into
20 one of those two categories or are there other things
21 they do?

22 A. Well, I guess the simplest way to describe
23 it is I own the Marketplace business end to end, and
24 that includes all of the functional areas of the
25 business, but it primarily focuses on how do we

1 support small businesses and entrepreneurs in being
2 very successful.

3 Q. So are many of those people involved in
4 storing and distributing the products?

5 A. We offer a product to small businesses
6 called fulfillment by Amazon, FBA. That team is not
7 part of my -- not part of my organization.

8 Q. And the warehouses where -- when an
9 independent seller sells to an independent buyer, it
10 just goes direct from the seller to the buyer, right?

11 A. That's one option.

12 Q. Is another option that Amazon hangs on to
13 it and distributes it?

14 A. Yes. That's the fulfillment by Amazon
15 product.

16 Q. And that's not your people either?

17 A. Correct.

18 Q. So the people who work for Faricy aren't
19 warehouse people and truck drivers, correct?

20 A. I don't know if we -- if we have any
21 employees on my team who would be in warehouses or
22 part of delivery services like truck driving. It's
23 possible we do.

24 Q. Give me some rough sense of the breakdown
25 of what the people who work for you do, please.

1 A. They focus on the product and technology
2 and the support that helps small businesses and
3 entrepreneurs join Amazon and reach customers all over
4 the world and be successful.

5 Q. Right. But there are 40,000 of them, so
6 how many --

7 A. 40,000 of who?

8 Q. Of people who work for you -- or 18,000.
9 I'm sorry, 18,000?

10 A. Yes, that's right.

11 Q. So the 18,000, how many people would you
12 say write code or fix code or supervise teams of people
13 that write code and fix code, ballpark?

14 A. 4,000.

15 Q. Okay. And then what do the other 14,000
16 people do?

17 A. Product, support, sales if I were to make
18 it simple.

19 Q. So sales is selling to the small business
20 or large business community to get them to utilize the
21 Amazon Marketplace?

22 A. Recruitment would be a more accurate word
23 to describe the team, yes.

24 Q. And I'm sorry. What else did you say
25 besides sales?

1 A. Product and support I believe I also
2 identified --

3 Q. Okay.

4 A. -- yeah.

5 Q. So support means I'm unhappy with what
6 happened and so I interact with Amazon about the -- the
7 transaction to get it fixed?

8 A. No.

9 Q. What does support mean?

10 A. Support means we offer 24 by 7 coverage
11 helping support small, medium businesses and
12 entrepreneurs in any needs that they have in order to
13 serve customers effectively.

14 Q. So Amazon Lending, is that part of you?

15 A. Amazon Lending is part of my team, yes.

16 Q. Okay. How many people work for Amazon
17 Lending?

18 A. I don't know.

19 Q. Ballpark? 500, a thousand?

20 A. Under 100.

21 Q. Okay. What other kinds of support
22 functions do you provide to the community of sellers
23 and entrepreneurs?

24 A. Can you be a little bit more specific
25 because I told you we provide everything end to end.

1 So every tool, every product they use to run their
2 business on Amazon, we build and own.

3 Q. What kinds of tools? Give me a sense of
4 what's out there.

5 A. An example of a tool would be we build the
6 technology that businesses use to receive orders and
7 acknowledge the shipment of their order.

8 Q. And is that a -- so that's a kind of
9 software or is it software and hardware together?

10 A. It's software primarily.

11 Q. So a company could go to a variety of
12 software solution providers for that kind of service
13 and you're in competition with them for that piece of
14 it?

15 A. No. I don't think that's accurate.

16 Q. Why not?

17 A. Because I don't think that people go see
18 other software providers for technology that they
19 would use on Amazon.

20 Q. Oh, I see. It's only for the Amazon sales
21 component?

22 A. It's technology focused on serving orders
23 from Amazon customers in the previous example.

24 Q. Okay. So if I make nuts and bolts and I am
25 selling my nuts and bolts to people who -- companies

1 who need nuts and bolts for their machines, I may sell
2 some of my nuts and bolts at conferences and some of
3 them where I have my own salespeople interact with my
4 traditional customers and then I sell some on Amazon
5 where companies perhaps in other countries can find me
6 to buy nuts and bolts?

7 A. Yes. As kind of a generic high level
8 example, that kind of exemplifies the kind of process
9 that takes place as part of the Marketplace.

10 Q. So do you have a lot of people who work for
11 you that learn about different markets so that tailored
12 services can be provided?

13 A. Can you be more specific on your example?

14 Q. Sure. I mean it sounds like in order for
15 you guys to do your job well, you need to understand
16 something about the seller, customer relationship in
17 every market you're in?

18 A. Correct.

19 Q. And that is a lot of knowledge?

20 A. Correct.

21 Q. And that knowledge is not intuitive.
22 Markets are handled differently in all kinds of ways.

23 A. I don't think so.

24 Q. You think it is intuitive?

25 A. I think it is intuitive and I think the

1 needs of most customers are really similar across the
2 world. They're looking for great selection. They're
3 looking for great prices. They're looking for fast
4 delivery speeds. They're looking for things that have
5 Prime offers and so we understand what customers are
6 looking for. We also understand the needs of sellers,
7 and our goal is to help them be very successful at
8 serving those customers.

9 Q. How does Amazon Marketplace -- do you
10 charge sellers?

11 A. Yes.

12 Q. And are the buyer -- do the buyers pay
13 anything to Amazon or they just pay the sellers and
14 the...?

15 A. Buyers buy a product on Amazon and pay the
16 price for -- the product price and the shipping cost
17 if there is a shipping cost. Amazon publishes a rev
18 share and we take a share of the product sale and the
19 shipping as our fee.

20 Q. And does -- do Amazon Prime memberships,
21 does some of that revenue go to Marketplace or not?

22 A. I don't know. I don't believe so.

23 Q. Okay. So all of the revenue from Amazon
24 Marketplace is essentially a commission off of a sale
25 that occurs through your Marketplace you've created?

1 A. It is the rev share. I did not create the
2 Marketplace, but yes, it is the -- it is the business
3 that I'm grateful to lead at Amazon.

4 Q. When I said "you," I meant Amazon --

5 A. Yes.

6 Q. -- not you personally.

7 A. Amazon, yes.

8 Q. Okay. And Mr. Haydar worked as a software
9 development engineer manager, right?

10 A. Correct.

11 Q. Which means he recruited and supervised
12 software developers, people who write code, in order to
13 respond to specific business needs?

14 A. Customer needs.

15 Q. Okay.

16 A. Yes.

17 Q. I mean, everything is indirectly a customer
18 need. Some things are directly customer needs.
19 Customer need is a focus of the company, but I mean,
20 every company that exists has people who do things that
21 are less directly customer solving or customer facing,
22 right? There are people who solve internal problems
23 for the company, accounting, getting the buildings
24 built or allowing work to get done, the HR people, the
25 lawyers, there are people who do things which may not

1 directly serve the customers, but they --

2 A. I don't agree.

3 Q. Oh?

4 A. I don't agree.

5 Q. Tell me.

6 A. I think that all of the activities that we
7 make investments in are focused on serving customers
8 well, and if we make an investment in a building or in
9 a legal team or an accounting team, we care about how
10 much that investment is because we want all of our
11 investments to focus on things that have a very direct
12 and meaningful benefit to customers.

13 And so I think we -- we don't think of the
14 world as direct and indirect. We do think of this
15 leadership principle around frugality and this leader
16 principle for frugality is about focus the investment
17 you make on what makes customers most happy.

18 Q. Now, at one point Mr. Haydar was running
19 the Nudge team. Are you aware of that?

20 A. No, I'm not aware of that.

21 Q. So you don't really know what he did, do
22 you?

23 A. I know that he was a software development
24 manager, but I did not track the individual jobs of
25 all the individual people on my team, no.

1 Q. How is the Nudge system working?

2 A. Today?

3 Q. Yes.

4 A. Well.

5 Q. How was it working in 2015?

6 A. I don't know.

7 Q. When you made the statement to Ms. DeCleene
8 that you didn't think Haydar was going to work out or
9 was not likely to succeed, I don't want to put words in
10 your mouth, but whatever you said to her along those
11 lines, you did so without a knowledge of what Abdullah
12 Haydar had actually contributed to the company, fair?

13 A. No. That's incorrect.

14 Q. Well, you know what his rating was but just
15 now you couldn't answer what his job was?

16 A. His rating is a reflection of the
17 contribution he made in that job.

18 Q. Have you ever given thought to how
19 customers review products and sellers?

20 A. Yes.

21 Q. Are rating systems -- why do they require
22 thought? Why isn't it just -- what thought is
23 required? Tell me.

24 A. Can you be more specific in your question?
25 I'm not sure I understand.

1 Q. I've never given any thought to this --

2 A. Okay.

3 Q. -- question. I'm not even sure I have an
4 intelligent question to ask.

5 What should one think about in a rating system
6 of customers evaluating?

7 A. I don't know. I'd have to -- I'd have to
8 take time to think about it.

9 Q. Okay. Amazon provides a system for
10 customers to rate sellers?

11 A. They provide a system for customers to
12 rate products and for customers to give sellers
13 feedback and ratings as well, yes.

14 Q. And Amazon also seeks customer feedback
15 about Amazon all the time, right?

16 A. Correct.

17 Q. Has the rating system of customers rating
18 sellers, has that improved over the years you've been
19 running Marketplace?

20 A. I believe so, yes.

21 Q. Can you give me any examples of how?

22 A. No, I'm not as familiar with those, but I
23 do believe that we have a team dedicated to making
24 improvements on those.

25 Q. Ratings of employees -- ratings of

1 employees are based on perceptions and they're based on
2 some objective facts, they're based on both, right?

3 A. The process we use for ratings is meant to
4 bring data for the performance rating, the leadership
5 rating and the growth potential. Those three together
6 result in the overall rating.

7 Q. But some of that data is perceptions?

8 A. Can you -- can you be more specific and
9 give me an example?

10 Q. Sure. I mean, a goal such as produce a
11 piece of software that works is an objective fact
12 that's measurable, right?

13 A. I agree.

14 Q. Shows backbone but also -- what is it
15 before you commit?

16 A. Disagree and commit.

17 Q. But also disagree and commit, all we can
18 really do is ask people who interact with that person,
19 does this person show backbone and disagree and commit
20 and can you give any examples, right?

21 A. I disagree. I think we require for people
22 to have a view on how someone is doing on a leadership
23 principle for them to give a specific example of that
24 behavior. And with those specific examples, they act
25 as a set of facts that I think are very helpful so

1 that we can help people improve their performance.

2 Q. Do you think there's a subjective component
3 to the leadership principles?

4 A. By the time it results in a performance
5 rating, no.

6 Q. Let's go back to analytical training. The
7 leadership principle data has not been subject to
8 reliability or validity analysis, right?

9 A. I'm sorry. I don't understand the
10 question.

11 Q. I mean in other words, there's no -- there
12 are no studies that you can point to that demonstrate
13 that there's some kind of objective they're there that
14 the leadership principles accurately capture, it's a
15 belief you have, but you can't prove that, right?

16 A. We believe that being a principle-based
17 company is important to serve customers well and we
18 absolutely believe these leadership principles support
19 innovating, serving customers well and building great
20 teams.

21 MR. NACHT: Can you read the witness the
22 question, please?

23 (Question on Page 183, Lines 11
24 through 15, read by the
25 reporter.)

1 THE WITNESS: It's a super confusing
2 question. The "they're there" I don't really understand
3 what you're trying to ask.

4 MR. WOLFF: Can you rephrase it for him?

5 MR. NACHT: Sure.

6 BY MR. NACHT:

7 Q. I know that you believe that the leadership
8 principles work?

9 A. Correct.

10 Q. And I know that Amazon has grown and been
11 very successful while it has those leadership
12 principles?

13 A. Correct.

14 Q. I know that Marketplace in particular has
15 been very successful and grown while you have these
16 principles?

17 A. Correct.

18 Q. But the leadership principles to the extent
19 that they purport to accurately measure something,
20 there are no studies by which one can say this person
21 objectively shows a certain amount of backbone but
22 disagrees and commits and our system accurately
23 captures that?

24 A. I don't agree with you. I think the -- if
25 I go back to the Exhibit 1, for each leadership

1 principle, there are very specific examples of the
2 behavior required to be role modeled, to be highly
3 valued and for needs improvement. And so I think that
4 provides the level of specifics needed so that people
5 can develop a leadership rating that's tied to
6 something that's specific and factual.

7 Q. Do you think that the leadership principles
8 can ever be manipulated by a person or people who are
9 conducting reviews?

10 A. No.

11 Q. Have you ever been told that you need to
12 develop, maybe early in your career, some of your
13 leadership principles?

14 A. Have I been told that I have areas to
15 develop? Yes.

16 Q. Okay. Can you give me an example?

17 A. Yes.

18 Q. Okay.

19 A. One of the areas I've been told I need to
20 develop is encouraging others to participate and
21 seeking feedback from others before I give my own
22 point of view.

23 Q. And you received that feedback early on in
24 your career at Amazon in connection with the leadership
25 principle?

1 A. Yes.

2 Q. It came out of an annual review?

3 A. I don't recall the discussion, but I do
4 believe it came out of an annual review, yes.

5 Q. Do you believe that in the time you've been
6 running Marketplace that any annual reviews have ever
7 been incorrect?

8 A. I don't have any reason to believe that.

9 Q. You're a very sophisticated man. You're
10 very well educated. You run a very powerful company.
11 You're a real thought leader. You travel in circles of
12 other thought leaders, but what I hear you testifying
13 to today is that in your organization there's no bias
14 and the ratings always work out. And that seems
15 implausible based on the numbers of people in the
16 organization and human frailty. It's a human system,
17 we're on earth not heaven, even the best possible
18 systems are still designed by people and people are
19 flawed.

20 A. I don't believe your statement accurately
21 reflected my testimony today.

22 Q. Okay. How did I mischaracterize it,
23 please?

24 A. You made --

25 MR. WOLFF: Let's hear the question back so

1 you have it fresh in your mind.

2 THE REPORTER: "You're a very sophisticated
3 man. You're very well educated. You are" --

4 MR. NACHT: That part?

5 THE WITNESS: Let's skip over that part.

6 MR. WOLFF: What, you were referring to him
7 and not me?

8 (Laughter.)

9 THE REPORTER: "...but what I hear you
10 testifying to today is that in your organization there's
11 no bias and the ratings always work out. And that seems
12 implausible" --

13 THE WITNESS: Hang on. Sorry. Can we take
14 each one of those one piece at a time?

15 MR. NACHT: Please.

16 THE WITNESS: Sorry. Can you go through
17 them? After the -- the nice words to the part where he
18 was --

19 MR. NACHT: Being a lawyer?

20 THE WITNESS: -- mischaracterizing the words
21 I had said throughout today. Could you just go through
22 each --

23 THE REPORTER: Yep.

24 THE WITNESS: -- section of the phrase at a
25 time?

1 THE REPORTER: "...but what I hear you
2 testifying to today is that in your organization there's
3 no bias" --

4 THE WITNESS: Stop. I don't believe you
5 asked me if there's any bias, and I'm not aware of any
6 bias. That is accurate.

7 BY MR. NACHT:

8 Q. Okay. We'll do some follow-up in a bit but
9 let's keep going with this question because I
10 appreciate you breaking it down. Thank you.

11 THE REPORTER: "...and the ratings always
12 work out. And that seems implausible based on the
13 numbers of people in the organization."

14 THE WITNESS: So that sounds like your
15 opinion. I don't believe I said that.

16 BY MR. NACHT:

17 Q. That the rating -- I'm asking you if the
18 ratings, in your opinion, are always accurate?

19 A. I -- I believe there's a high integrity
20 process behind our ratings and I do believe our
21 ratings are accurate. For this case I believe the
22 two years' worth of ratings on Abdullah and the number
23 of senior leaders that he worked for who attempted to
24 help him and coach him and mentor him, I believe that
25 those ratings are an accurate reflection of what they

1 believed his performance to be, and they believed his
2 performance to be least effective and least effective.
3 That's extremely unusual for anybody at Amazon, and
4 it's extremely unusual for anybody in the first
5 two years at Amazon, and it's even more unusual over
6 the number of leaders that he worked with.

7 Q. And all of those leaders worked for you or
8 worked for someone who worked for you?

9 A. They worked in my organization, correct.

10 Q. Did Abdullah Haydar rub you the wrong way
11 with his e-mail on June 9th, 2013?

12 A. No.

13 Q. It's all business, you had no personal
14 feelings about the man?

15 A. I don't have personal feelings about
16 business e-mails, no.

17 Q. But you had no personal like or dislike for
18 Abdullah Haydar, you're just trying to put a good team
19 together, right?

20 A. That question seems preposterous to me.
21 People don't have personal feelings about every work
22 e-mail they get. I get thousands of e-mails a day.

23 Q. Not about the e-mail, about the man. You
24 had some interactions with the man.

25 A. I don't have -- I don't have any -- any

1 feelings about Abdullah. I don't know -- I don't know
2 Abdullah that well. I never did know him that well.
3 I still don't know him, so I don't have any -- I don't
4 have a point of view on Abdullah.

5 I do have a point of view on anyone who has a
6 least effective performance rating and if they have
7 least effective performance rating two years in a row,
8 that performance is very poor performance.

9 Q. So the hypothesis that I will put to you is
10 that the performance rating is not an objective fact,
11 it is something which you influenced by your comments
12 and choices to the people who wanted to please you and
13 in turn made bigger deals over things that were not as
14 big?

15 A. Incorrect.

16 Q. I understand that's your position but --

17 A. Those are the facts.

18 Q. -- I wanted to share with you --

19 A. Those are the facts. Those are -- that's
20 completely incorrect.

21 Q. Okay. There are facts in this record that
22 we've discussed today that are inconsistent with your
23 contention that you had no input into providing
24 Abdullah Haydar a least effective rating?

25 A. That's incorrect.

1 Q. You dispute Mr. Joudrey's account?

2 MR. WOLFF: Objection. We've been over this,
3 David.

4 MR. NACHT: Okay.

5 MR. WOLFF: Several times.

6 MR. NACHT: Let's take a break.

7 MR. WOLFF: Okay.

8 THE VIDEOGRAPHER: We're now going off
9 record. The time is 1:20 p.m.

10 (Recess 1:20-1:27.)

11 THE VIDEOGRAPHER: We're now back on the
12 record in the continuing deposition of Peter Faricy.
13 This is the beginning of Disc 4. The time is 1:27 p.m.

14

15 EXAMINATION (Continuing)

16 BY MR. NACHT:

17 Q. Before Simpson came on board, do you
18 remember a time where you had direct interaction about
19 the technical teams?

20 A. I'm sorry. Can you clarify the question?

21 Q. Yeah. You met with my client, Mr. Haydar,
22 to talk about technical issues before Simpson came on
23 board in the latter part of 2014?

24 A. Incorrect.

25 Q. You didn't meet with my client in August of

1 2014 to do a technical deep dive 90-minute meeting
2 about SSA and SCA?

3 A. I don't -- I don't know about such a
4 meeting. It's possible that Abdullah could have been
5 part of a review that I did on technology and he would
6 have been in the room, but nothing that I recall.

7 Q. You -- if you can't recall the meeting,
8 then you don't recall making a comment to the effect
9 of, Are you treating your wife any better at such a
10 meeting?

11 A. I would never make a comment like that.

12 Q. Okay. Besides the one comment you made
13 which you think you made in a pub, is there any other
14 comment that you own making about Mr. Haydar's wife?

15 A. Your characterization is incorrect. I did
16 not make a comment. I did, as I mentioned earlier,
17 toast Abdullah and thanked him for his commitment to
18 travel across country every single week in order to
19 work at Amazon. I have never talked about Abdullah's
20 family ever.

21 Q. I want to be very clear: You absolutely
22 deny under oath that you ever made a comment about his
23 wife ever?

24 A. If I -- if I in my toast said I'm grateful
25 that you fly across the country and leave your family

1 every day to come to Amazon, I may have said something
2 around those lines, but I would have never referred to
3 Abdullah's family for any other reason other than
4 thanking him in this toast.

5 Q. Is it a violation of the leadership
6 principle of disagree and commit to continue to push if
7 you believe you were treated unfairly and you're
8 escalating?

9 A. I don't know. I would need a more
10 specific example.

11 Q. Mr. Haydar.

12 A. What's your example?

13 Q. He escalated and raised e-mails about his
14 own review.

15 A. I'm not aware of such e-mails.

16 Q. Well, you're aware that Shelly Cerio had
17 Ms. DeCleene initiate an investigation?

18 A. I am aware of that, yes.

19 Q. Did anyone ever inform you why there was an
20 investigation?

21 A. Shelly told me why there was an
22 investigation and told me the results of the
23 investigation.

24 Q. Well, what did she tell you why there was
25 an investigation?

1 A. She said there was an investigation
2 because Mr. -- sorry, because Abdullah made claims
3 about the way he was being treated at Amazon.

4 Q. No more detail than that?

5 A. There might have been more detail, but I
6 don't recall.

7 Q. I'm going to go back to the question
8 because I didn't get an answer. Is an employee
9 complaining about his own unfair treatment that he
10 perceives to be unfair, can that ever be a violation of
11 the disagree and commit leadership principle?

12 A. I don't know. That's my answer.

13 Q. In your assessment?

14 MR. WOLFF: The act of escalation alone?

15 BY MR. NACHT:

16 Q. Why don't you know? You run this group of
17 18,000 people.

18 A. Because your question's not very clear.

19 Q. What -- what's unclear about it to you?

20 MR. WOLFF: Objection.

21 THE WITNESS: It doesn't make sense to me.

22 MR. WOLFF: He told you he doesn't understand
23 the question.

24 THE WITNESS: It's a hypothetical question of
25 which you're asking for a very specific answer to a very

1 broad hypothetical question, and you're asking if
2 anything could be a violation at any time. It's a very
3 hypothetical question of which I don't believe there is a
4 specific answer.

5 BY MR. NACHT:

6 Q. Okay. I'm not trying to ask a hypothetical
7 question at this point. I'm trying to ask a real
8 question about Mr. Haydar believed that the performance
9 ratings he got were unfair and he contested those
10 ratings to HR, to his boss, to his -- he went up the
11 chain with HR. There was an investigation. He
12 continued to object. He wrote to Mr. Bezos.

13 A. I'm not aware of that process. I am aware
14 of the performance ratings and the performance
15 improvement plan.

16 Q. Well, you're aware that there was an
17 investigation?

18 A. I am aware there was an investigation.

19 Q. And you're aware that the investigation
20 followed him complaining?

21 A. I don't know what the allegations were
22 about, but I do know that he was making allegations
23 about something, yes.

24 Q. So from what you know about what Mr. Haydar
25 did, and let's just limit it to that, did he do

1 anything which warranted criticism on the leadership
2 principle of disagree and commit?

3 A. I don't know. I wasn't his manager and I
4 think his manager would have been able to assess his
5 performance on those leadership principles.

6 Q. Is it ever appropriate to downgrade someone
7 on the leadership principle of disagree and commit for
8 contesting an evaluation of themselves that they
9 believe to be unfair?

10 A. I don't believe that happened.

11 Q. In this particular case?

12 A. I don't believe that happens at Amazon,
13 period.

14 Q. Ever?

15 A. I can't speak for ever.

16 Q. Okay. But in Marketplace?

17 A. I don't believe -- I don't believe that
18 would be allowed to happen on my team.

19 Q. I understand that you're denying making
20 comments about Mr. Haydar's wife, in a joking or any
21 other fashion you're denying it?

22 A. Those -- I did not make any statements
23 about Mr. Haydar's wife in any fashion.

24 Q. Okay.

25 A. Correct.

1 (Discussion off the written record.)

2 BY MR. NACHT:

3 Q. Have you heard of a stereotype about Muslim
4 or Arab men treating their wives in a way that's less
5 than good?

6 A. No.

7 MR. NACHT: Can I look at the exhibits,
8 please?

9 (Exhibit No. 9 marked
10 for identification.)

11 THE REPORTER: Number 9.

12 BY MR. NACHT:

13 Q. You've been handed Deposition Exhibit
14 No. 9, Faricy No. 9, Bates stamp 1914 to 1921. Do you
15 recognize this document?

16 A. No.

17 Q. Does it look like a business record?

18 A. I'm not familiar with it.

19 Q. Did you review this document yesterday?

20 A. I don't recall if this is one I would have
21 reviewed.

22 Q. What does this document purport to be?

23 A. I don't know.

24 Q. Take a look at the first page. What does
25 it say at the top?

1 A. Marketplace 2014 Q3 OLR.

2 Q. What date?

3 A. Thursday, October 2nd.

4 Q. Keep going.

5 A. 8:00 a.m. to 4:00 p.m. PST.

6 Q. Keep going across the top.

7 A. Conference room: U.S. Seattle Roxanne
8 05200 agenda-notes.

9 Q. And it lists you as an attendee?

10 A. Correct.

11 Q. Now, would this be October 2nd in 2014 to
12 evaluate the third quarter of 2014?

13 A. No.

14 Q. What?

15 A. This would have been the midyear OLR that
16 would evaluate employees from the previous full year
17 OLR up until this point.

18 Q. So you're looking at employees in your
19 group in 2013 and the first half or a little bit beyond
20 of 2014?

21 A. This is between the period of the Q1 OLR
22 and this OLR, whatever those dates would have been,
23 roughly it would have been March, April, May, June,
24 July, August, September.

25 Q. Okay. So it doesn't involve the 2013

1 period?

2 A. Correct.

3 Q. It's just the first chunk of previously
4 unreviewed time in 2014?

5 A. People -- yes.

6 Q. Okay. Now, on Page 1915 under L8 promotion
7 recommendations, it talks about Joel Mosby?

8 A. Correct.

9 Q. It says, "The doc needs to match the great
10 work Joel is doing." Does that sound like something
11 you would have said?

12 A. No.

13 Q. Who do you think said that?

14 A. I don't know.

15 Q. If we read somewhat down, and I would say
16 about -- about 10 lines up from the bottom, it says,
17 "Joel has turned around the performance of Abdullah."
18 Yes, did I say that right?

19 A. Yes, that's what's written here, yes.

20 Q. Okay. Do you remember a conversation in
21 the context of promoting Joel Mosby where this subject
22 came up?

23 A. I do.

24 Q. What do you remember about that
25 conversation, sir?

1 A. I remember people being happy. One, happy
2 that Joel was able to help Abdullah improve his
3 performance; and two, happy that Abdullah had improved
4 his performance.

5 Q. And on Page 1918, do you see the comment
6 about Abdullah?

7 A. I do.

8 Q. "Turning the corner doing very well,
9 responded well to feedback." Do you remember that --
10 did I read that accurately?

11 A. You did.

12 Q. Do you remember the conversation about
13 Abdullah?

14 A. I do.

15 Q. Does that accurately capture what was
16 stated?

17 A. Yes.

18 Q. Is there anything else you remember other
19 than what's written there?

20 A. No.

21 Q. Who was on Joel Mosby's senior management
22 team at the time this was written?

23 A. I don't know.

24 Q. Didn't it include Abdullah Haydar?

25 A. I don't know.

1 Q. And how do you not know?

2 MR. WOLFF: Objection.

3 BY MR. NACHT:

4 Q. With this document in front of you? It's
5 unclear to you?

6 A. You're asking who was on Joel Mosby's
7 leadership team in October of 2014. No, I don't know
8 for certain who was.

9 Q. Okay. All right.

10 A. It does say that Joel has turned around
11 the performance of Abdullah.

12 Q. What does that tell you?

13 A. I think as I said before, I already
14 repeated. I think it's -- I thought it was people
15 were happy for Joel and they were happy for Abdullah.

16 Q. No, what does it tell you about -- about my
17 question about whether Abdullah was on Joel Mosby's
18 team?

19 A. It doesn't necessarily tell me anything.
20 Joel could have been responsible for improving
21 someone's performance on his team or off his team. My
22 guess is that he was on his team, but I don't know
23 that for certain.

24 Q. Your guess or that's your belief but you're
25 not positive?

1 A. I'm not positive. I don't know.

2 (Exhibit No. 10 marked
3 for identification.)

4 THE REPORTER: Number 10.

5 MR. NACHT: This is -- we handwrote Bates
6 stamp 5572.

7 BY MR. NACHT:

8 Q. Not a whole lot going on on this page
9 because it's redacted. It was produced by Amazon.
10 August 17th, do you remember sending an e-mail to
11 Mr. Faric- -- to Mr. Beary, "Do we have an update on
12 Abdullah?"

13 A. I don't remember sending the e-mail, but I
14 do see the e-mail here.

15 Q. Is it consistent that -- what -- do you
16 believe you did it?

17 A. I do believe I sent this e-mail, yes.

18 Q. Okay. So a couple of things jump out at
19 me. First is that the subject is confidential and the
20 second is that when Beary forwards your e-mail to Derek
21 Oehler, a big chunk is redacted presumably because it
22 concerns a bunch of lawyer involvement. That's the
23 only reason why. And there's a plan that's being
24 discussed.

25 Were you aware of a plan for Abdullah other than

1 the performance improvement plan?

2 A. I don't know what kind of plan you're
3 referring to, but I was definitely aware that he was
4 on a performance improvement plan.

5 Q. How about a plan to manage him out?

6 A. I'm not aware of any such plan.

7 Q. Would that have been inappropriate because
8 he still could have succeeded on the performance
9 improvement plan?

10 A. I don't know -- I don't know the timing --
11 I do recall that he did not succeed in his performance
12 review plan, but I don't know what the dates of that
13 would have been.

14 Q. How do you succeed on a performance
15 improvement plan if the issues are earning trust, being
16 vocally self-critical and disagreeing and committing?
17 How do you succeed on that?

18 A. I would think you work with your manager
19 and you work with HR and you put together a plan that
20 allows you to demonstrate those leadership principles.

21 (Exhibit No. 11 marked
22 for identification.)

23 MR. NACHT: Thank you. What are we up to?

24 THE REPORTER: 11.

25 BY MR. NACHT:

1 Q. Showing you what's been marked as Faricy
2 Deposition Exhibit 11. What is S-team? What does
3 S-team mean?

4 A. Senior team.

5 Q. And S-team direct means the person who
6 reports to someone on the S-team?

7 A. Correct.

8 Q. And then that -- so does the S-team approve
9 or just a particular S-team member approve all
10 promotions to Level 8?

11 A. The S-team approves all promotions to
12 Level 8.

13 Q. So you approved this document to go to
14 Mr. Gunningham, correct?

15 A. I would have reviewed this document and
16 provided my feedback, which I think was reflected in
17 those OLR notes, yes, but Avi Saxena is the manager
18 for Joel Mosby, and Avi Saxena was the person who
19 would have presented the doc to Sebastian.

20 Q. Saxena and his HR counterpart would have
21 drafted this thing?

22 A. Correct.

23 Q. Okay. And I don't see Bates stamp numbers
24 on this, but you --

25 MR. HAYDAR: One of the copies had --

1 BY MR. NACHT:

2 Q. You -- you recognize this document?

3 A. I -- I don't remember it, but this looks
4 like Joel Mosby's promotion document.

5 Q. Okay.

6 A. I could not tell you if this was the final
7 version or anything else, but this -- the title would
8 lead you to believe this is Joel Mosby's promotion.

9 Q. So there are problems in life where we --
10 we really try to solve them, and there are some
11 situations where we listen but we don't actually try to
12 solve them.

13 Since Mr. Haydar was reviewed as least effective
14 first once and then again and then put on a performance
15 improvement plan, is it fair to say that you viewed him
16 as a problem you were hoping would solve?

17 MR. WOLFF: Objection.

18 Were you hoping that whatever problems surrounded
19 Abdullah would solve.

20 THE WITNESS: I was hoping that Abdullah
21 would improve his performance, yes.

22 BY MR. NACHT:

23 Q. So the alternate hypothesis is that you
24 didn't want him to succeed and that you engaged in
25 process and indicated to your people, Solve the problem

1 by managing him out? You reject that hypothesis,
2 you've made that clear with your testimony.

3 A. I believe that is incorrect what you just
4 said, yes.

5 Q. Let's take a minute and explore your heart
6 and think about your thoughts about Mr. Haydar when he
7 sent you that e-mail on June 9th, 2013, at the
8 different OLRs, when you heard from Stefan Haney about
9 him, just take a minute and really think.

10 Is it possible that there were times where you
11 just wished he would go away?

12 A. No.

13 Q. Is there anything you might have done that
14 might have communicated that sense even if you didn't
15 intend it to your directs who supervised Mr. Haydar?

16 A. No.

17 Q. Or to HR?

18 A. No.

19 Q. You don't remember meetings with Mr. Haydar
20 prior to Mr. Simpson coming into the role of
21 supervising Mr. Gaw, correct?

22 A. I don't remember -- obviously I do
23 remember meetings before Ian Simpson joined our team,
24 but I couldn't tell you the topics or the -- or the
25 people involved. We have a lot of meetings on a lot

1 of different topics.

2 Q. Okay. Now, do you remember when you
3 testified that the only comment you might have made
4 about Mr. Haydar's wife was as part of a toast and you
5 don't think you said anything about his wife or about
6 his family but you might have, but it was just a toast
7 thanking Abdullah at a pub.

8 Do you remember that?

9 A. I do.

10 Q. Am I accurately capturing your testimony?

11 MR. WOLFF: Objection. Asked and answered.

12 Go ahead.

13 BY MR. NACHT:

14 Q. Yes?

15 A. It's already been answered I believe.

16 Q. So I want to direct your attention to
17 Faricy Exhibit 8. On the last page, Bates stamp 419,
18 at the top -- actually, let's -- it begins on the
19 previous page at the bottom of 418, and it states, "Can
20 you comment on the following or concerns ever brought
21 to your attention? A, allegedly made inappropriate
22 comments during a June 2013 off-site. Peter made AH
23 stand next to peer who was getting married soon and had
24 them recite lines that they could convey to their wives
25 to make them feel loved, allegedly done repeatedly at

1 four-day off-site."

2 A. That's incorrect.

3 Q. "I do remember, not context."

4 Am I reading it correctly, what's written there?

5 MR. WOLFF: That's not his answer you're
6 reading, though. That's --

7 MR. NACHT: That's her question.

8 MR. WOLFF: Correct.

9 THE WITNESS: Her -- her question is, This is
10 what's being alleged and I'm saying that's incorrect.

11 BY MR. NACHT:

12 Q. Okay. But could you read literally what --
13 what her notes are and then we'll discuss it?

14 MR. WOLFF: What her notes of his response
15 are?

16 MR. NACHT: Yes.

17 MR. WOLFF: Starting with "I do remember."

18 THE WITNESS: "I do remember... not context."

19 BY MR. NACHT:

20 Q. Keep going, please:

21 A. "We had an off-site in Detroit... Dave
22 Anderson was about to get married... Dave asked a
23 question like, For people around the table who are
24 married, what is your advice... It was an evening
25 social event. I think Abdullah was at the same

1 table... Everybody gave their funny/serious advice."

2 Q. Keep going.

3 A. Number one, "It was a mixture of sweet and
4 funny advice." Number two, "Dave and his wife met on
5 our team."

6 Q. And keep going on to the next page, please?

7 A. This is not my comment. This is an
8 allegation that Anne is asking about.

9 Q. Okay.

10 A. "B, allegedly made similar comments at two
11 all-hands meetings in Detroit over past 12 months.
12 Lucky to hire AH... After he previously left his poor
13 wife behind and went to Seattle for a year."

14 Q. And your answer to that allegation?

15 A. What's listed here as I is, "I might have
16 said something like, 'We're lucky to have you here --
17 'We're lucky to have someone here like Abdullah who
18 has Seattle experience.' And I might have said, 'I
19 bet your wife is happy too.'"

20 Q. Okay. So earlier when I asked you -- you
21 mentioned the first incident but you denied that there
22 were any other incidents. Reading these notes, does
23 that refresh your recollection that you might have made
24 a comment consistent with what you told Ms. DeCleene at
25 another all -- at an all-hands meeting?

1 A. No. My comment was, We're lucky to have
2 someone here like Abdullah who has Seattle experience.

3 Q. But her notes on Bates stamp No. 419 say,
4 "And I might have said, 'And I bet your wife is happy
5 too.'"

6 Do you not remember that part or you deny saying
7 this to Anne DeCleene?

8 A. I don't -- I don't remember.

9 Q. Okay.

10 THE WITNESS: Before you start a new topic,
11 can we do a bio break?

12 MR. NACHT: Sure.

13 THE VIDEOGRAPHER: We're now going off
14 record. The time is 2:06 p.m.

15 (Recess 2:06-2:10.)

16 THE VIDEOGRAPHER: We're now back on the
17 record. The time is 2:10 p.m.

18 MR. NACHT: Mark this, please.

19 (Exhibit No. 12 marked
20 for identification.)

21 MR. NACHT: I don't have copies of this yet
22 and we may not make this an exhibit.

23 /////

24 /////

25 /////

1 EXAMINATION (Continuing)

2 BY MR. NACHT:

3 Q. So I just sketched out some names, and
4 earlier I asked you if your office was next to Haney's,
5 but what I've sketched out is that your office was next
6 to HR and Haney's was on the other side of HR, and on
7 the other side of Haney was Curt, and on the other side
8 of Curt was Pete.

9 A. That's incorrect.

10 Q. That's incorrect?

11 A. Correct.

12 Q. For 2014 or 2015, 2014?

13 A. Any of these years.

14 Q. Okay. Was Haney along that row with you?

15 A. No.

16 Q. Okay. We won't make it an exhibit.

17 (Exhibit No. 12 unmarked
18 for identification.)

19 BY MR. NACHT:

20 Q. Did you ever meet with Mr. Haydar to help
21 him with his performance?

22 A. No.

23 Q. Did you find Mr. Haydar abrasive?

24 A. I don't know. I didn't have enough
25 interactions with him to know enough about his --

1 enough to have a perception of his abrasiveness.

2 Q. Have you been to any Arab countries?

3 A. Can you define "Arab countries"?

4 Q. Well, as close as -- instead of giving you
5 a list, why don't you tell me any Middle Eastern
6 country you've been to?

7 A. I've been to -- let's see. I flew through
8 the Middle East on my way to India, and I don't
9 recall -- I think it may be --

10 Q. Dubai or something?

11 A. It was Dubai, yes.

12 Q. But you didn't spend time there, you were
13 just in an airport?

14 A. Correct.

15 Q. Okay. Do you have any locations in the
16 Middle East for any of your people?

17 A. I don't know.

18 Q. Israel?

19 A. I don't know.

20 Q. Do you -- did you lose any friends on
21 September 11th?

22 A. No.

23 Q. Is Shelly Cerio an honest person in your
24 experience?

25 A. Is Shelly Cerio an honest person?

1 Q. Yeah.

2 A. Yes.

3 Q. Derek Oehler?

4 A. What's the question about Derek?

5 Q. Is he an honest guy in your experience?

6 A. Yes.

7 Q. Joel Mosby?

8 A. Yes.

9 Q. Garret Gaw?

10 A. Yes.

11 MR. NACHT: Let's take a break. We may be
12 done.

13 MR. WOLFF: Okay.

14 THE VIDEOGRAPHER: We're now going off the
15 record. The time is 2:16 p.m.

16 (Recess 2:16-2:21.)

17 THE VIDEOGRAPHER: We're now back on the
18 record. The time is 2:21 p.m.

19 MR. NACHT: I have no further questions.
20 Thank you very much for your participation.

21 MR. WOLFF: And we will -- we will read.
22 Thank you very much.

23 (Discussion off the written record.)

24 MR. WOLFF: So we've agreed that the very
25 limited portion of today's deposition that was marked

1 confidential, Mr. Nacht just graciously agreed will be
2 attorneys' eyes only and we'll have that in a separate --
3 separate document, in its own.

4 MR. NACHT: Agreed.

5 MR. WOLFF: Thank you. Thanks, David.

6 THE VIDEOGRAPHER: This concludes the
7 deposition of Peter Faricy. This is the end of Disc 4.
8 The time is 2:21 p.m.

9 (Signature reserved.)

10 (Deposition concluded at 2:22 p.m.)

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1 STATE OF WASHINGTON)
2) ss
3 County of Snohomish)

4 I, the undersigned Washington Certified Court
5 Reporter, pursuant to RCW 5.28.010 authorized to
6 Administer oaths and affirmations in and for the State of
7 Washington, do hereby certify:

8 That the annexed and foregoing deposition of PETER
9 FARICY was taken before me and completed on July 28, 2017,
10 and thereafter was transcribed under my direction;

11 I further certify that according to CR 30 (e) the
12 witness was given the opportunity to examine, read and sign
13 the deposition after the same was transcribed, unless
14 indicated in the record that the review was reserved;

15 I further certify that I am not a relative or
16 employee of any such attorney or counsel, and that I am not
17 financially interested in the said action or the outcome
18 thereof;

19 I further certify that the witness before
20 examination was by me duly sworn to testify the truth, the
21 whole truth and nothing but the truth;

22 I further certify that the deposition, as
23 transcribed, is a full, true and correct transcript of the
24 testimony, including questions and answers, and all
25 objections, motions and exceptions of counsel made and
taken at the time of the foregoing examination;

IN WITNESS WHEREOF, I have hereunto set my hand this
3rd day of August, 2017.

Connie Recob

Connie Recob, Certified Court Reporter No. 2631
in and for the State of Washington,
residing at Stanwood, Washington.
My CCR certification expires 4/8/18.

DEPOSITION ERRATA SHEET

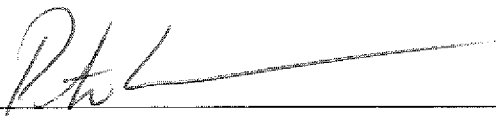
Our Assignment No. 4590

Case Caption: HAYDAR vs. AMAZON

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury
that I have read the entire transcript of
my Deposition taken in the captioned matter
or the same has been read to me, and
the same is true and accurate, save and
except for changes and/or corrections, if
any, as indicated by me on the DEPOSITION
ERRATA SHEET hereof, with the understanding
that I offer these changes as if still under oath.

Signed on the 28th day of AUGUST, 2017.



PETER FARICY

DEPOSITION ERRATA SHEET

Page No. 90 Line No. 23 Change to: Replace "were0"
with "were"

Reason for change: Typographical error

Page No. 129 Line No. 16 Change to: Replace "I" with "he"

Reason for change: Incorrect pronoun

Page No. Line No. Change to:

Reason for change:

Page No. Line No. Change to:

Reason for change:

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Reason for change:

SIGNATURE: Ptk DATE: 8/28/17

PETER FARICY